

## Message

**From:** Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]  
**Sent:** 3/28/2021 11:14:45 PM  
**To:** Dunham, Sarah [Dunham.Sarah@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]  
**Subject:** RE: Sinclair Updates

D = Disproportionate

### Ex. 5 Deliberative Process (DP)

We

are to grant relief when we find “disproportionate economic hardship.” Somewhere along the way the team started simply calling it DEH.

\*\*\*\*\*

Byron Bunker  
 Director Compliance Division  
 Office of Transportation and Air Quality  
 Environmental Protection Agency  
 2000 Traverwood Drive  
 Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
 Phone: (734) 214-4155  
 Mobile: (734) 353-9623

\*\*\*\*\*

**From:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Sent:** Sunday, March 28, 2021 10:57 AM  
**To:** Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Subject:** RE: Sinclair Updates

Thanks, although I have to admit I just spent many minutes trying to figure out what DEH referred to. I finally figured out of course that the EH must be “economic harm” but still can’t figure out what D is for. Direct? (and you do not need to reply, in fact, I strongly suggest you not spend any weekend time on this at all)

**From:** Bunker, Byron <bunker.byron@epa.gov>  
**Sent:** Sunday, March 28, 2021 10:47 AM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Subject:** RE: Sinclair Updates

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

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**From:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>

**Sent:** Saturday, March 27, 2021 2:17 PM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** Fwd: Sinclair Updates

FYI

Begin forwarded message:

**From:** "Srinivasan, Gautam" <[Srinivasan.Gautam@epa.gov](mailto:Srinivasan.Gautam@epa.gov)>

**Date:** March 27, 2021 at 2:03:39 PM EDT

**To:** "Goffman, Joseph" <[Goffman.Joseph@epa.gov](mailto:Goffman.Joseph@epa.gov)>

**Cc:** Radha Adhar <**Ex. 6 Personal Privacy (PP)**>, "Hoffer, Melissa" <[Hoffer.Melissa@epa.gov](mailto:Hoffer.Melissa@epa.gov)>, "Dunham, Sarah" <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>, "Stahle, Susan" <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Subject:** Re: Sinclair Updates

**Ex. 5 Deliberative Process (DP) / Attorney Work Product / Attorney-Client Privilege**

**Ex. 5 Deliberative Process (DP) / Attorney Work Product / Attorney-Client Privilege**

+++++

(202) 564-5647 (o)

Ex. 6 Personal Privacy (PP)

On Mar 26, 2021, at 8:09 PM, Goffman, Joseph <[Goffman.Joseph@epa.gov](mailto:Goffman.Joseph@epa.gov)> wrote:

As usual, sterling advice from ARLO. Thanks

Sent from my iPhone

On Mar 26, 2021, at 8:06 PM, Srinivasan, Gautam

<[Srinivasan.Gautam@epa.gov](mailto:Srinivasan.Gautam@epa.gov)> wrote:

**Ex. 5 Deliberative Process (DP) / Attorney Work Product / Attorney-Client Privilege**

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(202) 564-5647 (o)

Ex. 6 Personal Privacy (PP)

On Mar 26, 2021, at 6:19 PM, Goffman, Joseph

<[Goffman.Joseph@epa.gov](mailto:Goffman.Joseph@epa.gov)> wrote:

Radha – You may already know this, but Sinclair has filed a notice of intent to sue, so I am adding Melissa, Sue, and Gautam for awareness and guidance. Thanks.

Joseph Goffman  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency

**From:** LaCroix, Cole (Lee)

<[Cole\\_LaCroix@lee.senate.gov](mailto:Cole_LaCroix@lee.senate.gov)>

**Sent:** Friday, March 26, 2021 6:09 PM

**To:** Goffman, Joseph <[Goffman.Joseph@epa.gov](mailto:Goffman.Joseph@epa.gov)>

**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>

**Subject:** Re: Sinclair Updates

Hi Joe and Radha,

Hope you both are doing well. This week when Mr. Regan spoke with Senator Lee, he made a series of comments relating the Sinclair situation to RFA v. EPA. This is concerning to me because we believe that the Sinclair waiver has nothing to do with RFA v. EPA. I've put some details down below explaining this and laying out how I hope we can proceed going forward.

**What is the continuity standard created by RFA v. EPA?**

In January 2020, the Tenth Circuit vacated and remanded three EPA decisions granting SRE petitions for the 2016 and 2017 RFS compliance years which were issued in calendar years 2017 and 2018, holding that a small refinery's petition can be granted only if the refinery satisfies two conditions: 1, the small refiner must demonstrate an existing exemption (meaning continuous exemptions from the inception of the program); and 2, the small refiner must demonstrate disproportionate economic hardship caused by RFS compliance.

**Does Sinclair meet the continuity standard under RFA v. EPA???**

Ex. 4 CBI

**Ex. 4 CBI**



## Ex. 4 CBI

As I stated earlier, in RFA, the Tenth Circuit concluded that EPA may grant hardship relief to a small refinery only if that small refinery had continuously received hardship relief for the life of the RFS program. Ex. 4 CBI

## Ex. 4 CBI

Where does that leave us?

Ex. 4 CBI the determinations of the court in RFA v. EPA are no longer

relevant to EPA decision making. This means EPA doesn't have the authority withhold Sinclair's RINs. The relief that EPA rightfully provided Sinclair waived the company's compliance obligations under the RFS program. So EPA has no right to keep the compliance credits that Sinclair previously provided. **Ex. 4 CBI**

## **Ex. 4 CBI**

### **Steps moving forward**

While on the phone with Senator Lee, Administrator Regan was not understanding the Senator's concerns with the applicability of RFA v. EPA. He told the Senator that he would have EPA staff reach out to speak with our staff about the 'more granular details' of the issue. However, when I got on the phone with Radha, I was informed that we would no longer be able to communicate on issues related to Sinclair because of concerns regarding the confidential business information involved. I've attached a privacy release signed by Sinclair authorizing our office to investigate these matters. I need to immediately confirm our ability to communicate with your office on these issues related to Sinclair.

Secondly, while on the phone with the Senator, Mr. Regan again emphasized his commitment to transparency on the issue. While on the phone with Radha, I was told that EPA is or would be reaching out to Sinclair. That, however, has still not occurred. I need to set a date next week for EPA to speak to Sinclair even if simply to establish contact with the attorneys at OGC who are leading on this issue. It is critical that Sinclair be able to communicate with their regulatory agency about issues relevant to their operation.

Thanks for your attention on this important issue. Talk soon,  
Cole

---

**From:** "LaCroix, Cole (Lee)"

<Cole\_LaCroix@lee.senate.gov>

**Date:** Thursday, March 11, 2021 at 2:43 PM

**To:** "Goffman, Joseph"

<Goffman.Joseph@epa.gov>

**Cc:** Radha Adhar { **Ex. 6 Personal Privacy (PP)** }

**Subject:** Re: Sinclair Updates

Joe,

I know you all are working on this but I thought I might inquire a little further to understand the consideration your team is mulling over. The way I understood it was that once the court made its determination on the motion to stay the issuance of the RINs, it would then be the job of the EPA to promptly issue them. The only way I can imagine that not happening is if the agency is reconsidering the waiver? Is that the consideration that is under debate? Or is it more of a due-diligence process that has to be undergone before issuance?

## Ex. 4 CBI

Hoping you can shed some light on what the consideration is and, if you are aware, a potential timeline of when it could be sorted out.

Thanks for all you help on this issue.  
Cole

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**From:** "Goffman, Joseph"  
<[Goffman.Joseph@epa.gov](mailto:Goffman.Joseph@epa.gov)>  
**Date:** Tuesday, March 9, 2021 at 8:46 PM  
**To:** "LaCroix, Cole (Lee)"  
<[Cole\\_LaCroix@lee.senate.gov](mailto:Cole_LaCroix@lee.senate.gov)>  
**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>  
**Subject:** RE: Sinclair Updates

Hi, Cole. Well, we've heard emphatically from both sides -- RFA and the attorney representing Sinclair -- on their respective, conflicting preferences. Colleagues in the Air Program and in the General Counsel's office are deliberating on a recommendation to make to agency leadership on how to proceed, and I would propose that we connect once that recommendation is put forward and we decide what makes sense to do. Of course, if there's urgency on your end for a call tomorrow, I will try to find a time when either I or someone here can talk.

Thank you for getting in touch with me.

Best,  
Joe

Joseph Goffman  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency

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**From:** LaCroix, Cole (Lee)  
<Cole\_LaCroix@lee.senate.gov>  
**Sent:** Tuesday, March 9, 2021 8:25 PM  
**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Subject:** Sinclair Updates

Hi Joe,

Hope you're doing well. Just wanted to check in and see what the latest was with Sinclair now that the court has made a determination. Would you be able to jump on a quick call tomorrow?

Thanks,  
Cole  
<HPSCAN\_20210326202156986\_2021-03-26\_202331701[2].pdf>  
<HPSCAN\_20210326205331074\_2021-03-26\_205506385[1].pdf>

## Message

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 9/29/2020 2:00:36 PM  
**To:** Cohen, Janet [cohen.janet@epa.gov]  
**CC:** Dubey, Susmita [dubey.susmita@epa.gov]  
**Subject:** RE: Q about Sinclair 2013  
**Attachments:** Sinclair-Casper RFS hardship decision document.pdf; Sinclair-Wyoming RFS hardship decision document.pdf; Tenth Circuit Petition for Review and Clerk Letter.pdf; Sinclair Final Executed Settlement Agreement 12-7-2015.pdf; Unopposed Motion to Dismiss 6-2-2016.pdf; Stipulation of Dismissal 6-2-2016.pdf; Order Dismissing Case 6-3-2016.pdf

Hi Janet –

**Ex. 5 Deliberative Process (DP) / Attorney-Client (AC) / Attorney Work Product (AWP)**

I hope that helps. Happy to talk this through with you.

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

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**From:** Cohen, Janet <cohen.janet@epa.gov>  
**Sent:** Monday, September 28, 2020 4:15 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** Q about Sinclair 2013

Sue,

**Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

Thoughts?

- J. -

## Message

**From:** Caballero, Kathryn [Caballero.Kathryn@epa.gov]  
**Sent:** 8/9/2019 9:09:01 PM  
**To:** Nelson, Karen [nelson.karen@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Cohen, Janet [cohen.janet@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Michaels, Lauren [Michaels.Lauren@epa.gov]  
**Subject:** Re: draft email notification to refineries for your review

Looks consistent with Delegation 7-173 -- thanks.

Kathryn Pirrotta Caballero  
Supervising/Senior Attorney, Compliance Division  
Office of Transportation and Air Quality  
Washington D.C.  
(w) 202-564-1849

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**From:** Nelson, Karen <nelson.karen@epa.gov>  
**Sent:** Friday, August 9, 2019 5:00 PM  
**To:** Orlin, David <Orlin.David@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>  
**Subject:** RE: draft email notification to refineries for your review

Made two edits in red. It's really the same edit, just one for each message.

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**From:** Orlin, David <Orlin.David@epa.gov>  
**Sent:** Friday, August 9, 2019 4:53 PM  
**To:** Cohen, Janet <cohen.janet@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>  
**Subject:** RE: draft email notification to refineries for your review

No edits from me, thanks.

David Orlin  
U.S. EPA, Office of General Counsel  
(202) 564-1222

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**From:** Cohen, Janet <cohen.janet@epa.gov>  
**Sent:** Friday, August 09, 2019 4:33 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Caballero, Kathryn <Caballero.Kathryn@epa.gov>  
**Subject:** draft email notification to refineries for your review  
**Importance:** High

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

**Ex. 4 CBI**

Sinclair Casper

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**



**Ex. 4 CBI**

**Ex. 5 Deliberative Process (DP)**

**Ex. 4 CBI**

Sinclair Wyoming

**Ex. 5 Deliberative Process (DP)**

## Message

**From:** Radha Adhar [Ex. 6 Personal Privacy (PP)]  
**Sent:** 3/29/2021 12:30:01 AM  
**To:** Goffman, Joseph [Goffman.Joseph@epa.gov]  
**CC:** Hoffer, Melissa [Hoffer.Melissa@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Adhar, Radha [Adhar.Radha@epa.gov]  
**Subject:** Re: Sinclair Updates

Hey guys, just looping in my work email sorry I missed this over the weekend! Will follow up with y'all soon.

On Sun, Mar 28, 2021 at 3:00 PM Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:

Thanks, Melissa [Ex. 5 Attorney Client (AC)/ Ex. 5 Deliberative Process (DP)]

**Ex. 5 Attorney Client (AC)/ Ex. 5 Deliberative Process (DP)**

Sent from my iPhone

On Mar 28, 2021, at 2:37 PM, Hoffer, Melissa <Hoffer.Melissa@epa.gov> wrote:

Thanks, Joe.

**Ex. 5 Attorney Client (AC)**

M

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**From:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Sent:** Friday, March 26, 2021 6:19 PM  
**To:** Radha Adhar [Ex. 6 Personal Privacy (PP)]; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>  
**Subject:** FW: Sinclair Updates

Radha – You may already know this, but Sinclair has filed a notice of intent to sue, so I am adding Melissa, Sue, and Gautam for awareness and guidance. Thanks.

Joseph Goffman

Acting Assistant Administrator

Office of Air and Radiation

U.S. Environmental Protection Agency

---

**From:** LaCroix, Cole (Lee) <Cole\_LaCroix@lee.senate.gov>

**Sent:** Friday, March 26, 2021 6:09 PM

**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>

**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP) >

**Subject:** Re: Sinclair Updates

Hi Joe and Radha,

Hope you both are doing well. This week when Mr. Regan spoke with Senator Lee, he made a series of comments relating the Sinclair situation to RFA v. EPA. This is concerning to me because we believe that the Sinclair waiver has nothing to do with RFA v. EPA. I've put some details down below explaining this and laying out how I hope we can proceed going forward.

### **What is the continuity standard created by RFA v. EPA?**

In January 2020, the Tenth Circuit vacated and remanded three EPA decisions granting SRE petitions for the 2016 and 2017 RFS compliance years which were issued in calendar years 2017 and 2018, holding that a small refinery's petition can be granted only if the refinery satisfies two conditions: 1, the small refiner must demonstrate an existing exemption (meaning continuous exemptions from the inception of the program); and 2, the small refiner must demonstrate disproportionate economic hardship caused by RFS compliance.

**Does Sinclair meet the continuity standard under RFA v. EPA???** Ex. 4 CBI

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As I stated earlier, in RFA, the Tenth Circuit concluded that EPA may grant hardship relief to a small refinery only if that small refinery had continuously received hardship relief for the life of the RFS program.

**Ex. 4 CBI**

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Where does that leave us?

**Ex. 4 CBI** the determinations of the court in RFA v. EPA are no longer relevant to EPA decision making. This means EPA doesn't have the authority withhold Sinclair's RINs. The relief that EPA rightfully provided Sinclair waived the company's compliance obligations under the RFS program. So EPA has no right to keep the compliance credits that Sinclair previously provided.

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## Steps moving forward

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Thanks for your attention on this important issue. Talk soon,

Cole

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**From:** "LaCroix, Cole (Lee)" <Cole\_LaCroix@lee.senate.gov>  
**Date:** Thursday, March 11, 2021 at 2:43 PM  
**To:** "Goffman, Joseph" <Goffman.Joseph@epa.gov>  
**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>  
**Subject:** Re: Sinclair Updates

Joe,

I know you all are working on this but I thought I might inquire a little further to understand the consideration your team is mulling over. The way I understood it was that once the court made its determination on the motion to stay the issuance of the RINs, it would then be the job of the EPA to promptly issue them. The only way I can imagine that not happening is if the agency is reconsidering the waiver? Is that the consideration that is under debate? Or is it more of a due-diligence process that has to be undergone before issuance?

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Thanks for all you help on this issue.

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**To:** "LaCroix, Cole (Lee)" <Cole\_LaCroix@lee.senate.gov>  
**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>  
**Subject:** RE: Sinclair Updates

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Thank you for getting in touch with me.

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Acting Assistant Administrator

Office of Air and Radiation

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## Message

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**Sent:** 3/27/2021 6:12:42 PM  
**To:** Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]  
**CC:** Radha Adhar [Ex. 6 Personal Privacy (PP)]; Hoffer, Melissa [Hoffer.Melissa@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]  
**Subject:** RE: Sinclair Updates

Thanks, Gautam.

Joseph Goffman  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency

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**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>  
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# Ex. 5 Attorney Client (AC)

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(202) 564-5647 (o)

Ex. 6 Personal Privacy (PP)

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**Does Sinclair meet the continuity standard under RFA v. EPA???** [Ex. 4 CBI](#)

**Ex. 4 CBI**

# Ex. 4 CBI

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# Ex. 4 CBI

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Ex. 4 CBI

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**Cc:** Radha Adhar { Ex. 6 Personal Privacy (PP) }

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As you know,

Ex. 4 CBI

# Ex. 4 CBI

Hoping you can shed some light on what the consideration is and, if you are aware, a potential timeline of when it could be sorted out.

Thanks for all you help on this issue.

Cole

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**From:** "Goffman, Joseph" <Goffman.Joseph@epa.gov>

**Date:** Tuesday, March 9, 2021 at 8:46 PM

**To:** "LaCroix, Cole (Lee)" <Cole\_LaCroix@lee.senate.gov>

**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP) >

**Subject:** RE: Sinclair Updates

Hi, Cole. Well, we've heard emphatically from both sides – RFA and the attorney representing Sinclair -- on their respective, conflicting preferences. Colleagues in the Air Program and in the General Counsel's office are deliberating on a recommendation to make to agency leadership on how to proceed, and I would propose that we connect once that recommendation is put forward and we decide what makes sense to do. Of course, if there's urgency on your end for a call tomorrow, I will try to find a time when either I or someone here can talk.

Thank you for getting in touch with me.

Best,  
Joe

Joseph Goffman  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency

---

**From:** LaCroix, Cole (Lee) <Cole\_LaCroix@lee.senate.gov>

**Sent:** Tuesday, March 9, 2021 8:25 PM

**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>

**Subject:** Sinclair Updates

Hi Joe,

Hope you're doing well. Just wanted to check in and see what the latest was with Sinclair now that the court has made a determination. Would you be able to jump on a quick call tomorrow?

Thanks,

Cole

<HPSCAN\_20210326202156986\_2021-03-26\_202331701[2].pdf>

<HPSCAN\_20210326205331074\_2021-03-26\_205506385[1].pdf>

## Message

**From:** Dunham, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A9444681441E4521AD92AE7D42919223-SDUNHAM]  
**Sent:** 3/28/2021 6:58:46 PM  
**To:** Byron Bunker [Bunker.Byron@epa.gov]; Benjamin Hengst (Hengst.Benjamin@epa.gov) [Hengst.Benjamin@epa.gov]  
**Subject:** FW: Sinclair Updates

**From:** Hoffer, Melissa <Hoffer.Melissa@epa.gov>  
**Sent:** Sunday, March 28, 2021 2:38 PM  
**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>; Radha Adhar <Ex. 6 Personal Privacy (PP)>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>  
**Subject:** RE: Sinclair Updates

Thanks, Joe.

# Ex. 5 Attorney Client (AC)

M

**From:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Sent:** Friday, March 26, 2021 6:19 PM  
**To:** Radha Adhar <Ex. 6 Personal Privacy (PP)>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>  
**Subject:** FW: Sinclair Updates

Radha – You may already know this, but Sinclair has filed a notice of intent to sue, so I am adding Melissa, Sue, and Gautam for awareness and guidance. Thanks.

Joseph Goffman  
 Acting Assistant Administrator  
 Office of Air and Radiation  
 U.S. Environmental Protection Agency

**From:** LaCroix, Cole (Lee) <Cole.LaCroix@lee.senate.gov>  
**Sent:** Friday, March 26, 2021 6:09 PM  
**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>  
**Subject:** Re: Sinclair Updates

Hi Joe and Radha,

Hope you both are doing well. This week when Mr. Regan spoke with Senator Lee, he made a series of comments relating the Sinclair situation to RFA v. EPA. This is concerning to me because we believe that the Sinclair waiver has

nothing to do with RFA v. EPA. I've put some details down below explaining this and laying out how I hope we can proceed going forward.

**What is the continuity standard created by RFA v. EPA?**

In January 2020, the Tenth Circuit vacated and remanded three EPA decisions granting SRE petitions for the 2016 and 2017 RFS compliance years which were issued in calendar years 2017 and 2018, holding that a small refinery's petition can be granted only if the refinery satisfies two conditions: 1, the small refiner must demonstrate an existing exemption (meaning continuous exemptions from the inception of the program); and 2, the small refiner must demonstrate disproportionate economic hardship caused by RFS compliance.

**Does Sinclair meet the continuity standard under RFA v. EPA???**

Ex. 4 CBI

**Ex. 4 CBI**

As I stated earlier, in RFA, the Tenth Circuit concluded that EPA may grant hardship relief to a small refinery only if that small refinery had continuously received hardship relief for the life of the RFS program.

Ex. 4 CBI

**Ex. 4 CBI**

Where does that leave us?

**Ex. 4 CBI**

the determinations of the court in RFA v. EPA are no longer relevant to EPA decision making. This means EPA doesn't have the authority withhold Sinclair's RINs. The relief that EPA rightfully provided Sinclair waived the company's compliance obligations under the RFS program. So EPA has no right to keep the compliance credits that Sinclair previously provided.

**Ex. 4 CBI****Ex. 4 CBI****Steps moving forward**

While on the phone with Senator Lee, Administrator Regan was not understanding the Senator's concerns with the applicability of RFA v. EPA. He told the Senator that he would have EPA staff reach out to speak with our staff about the 'more granular details' of the issue. However, when I got on the phone with Radha, I was informed that we would no longer be able to communicate on issues related to Sinclair because of concerns regarding the confidential business information involved. I've attached a privacy release signed by Sinclair authorizing our office to investigate these matters. I need to immediately confirm our ability to communicate with your office on these issues related to Sinclair.

Secondly, while on the phone with the Senator, Mr. Regan again emphasized his commitment to transparency on the issue. While on the phone with Radha, I was told that EPA is or would be reaching out to Sinclair. That, however, has still not occurred. I need to set a date next week for EPA to speak to Sinclair even if simply to establish contact with the attorneys at OGC who are leading on this issue. It is critical that Sinclair be able to communicate with their regulatory agency about issues relevant to their operation.

Thanks for your attention on this important issue. Talk soon,  
Cole

---

**From:** "LaCroix, Cole (Lee)" <Cole\_LaCroix@lee.senate.gov>

**Date:** Thursday, March 11, 2021 at 2:43 PM

**To:** "Goffman, Joseph" <Goffman.Joseph@epa.gov>

**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>

**Subject:** Re: Sinclair Updates

Joe,

I know you all are working on this but I thought I might inquire a little further to understand the consideration your team is mulling over. The way I understood it was that once the court made its determination on the motion to stay the issuance of the RINs, it would then be the job of the EPA to promptly issue them. The only way I can imagine that not happening is if the agency is reconsidering the waiver? Is that the consideration that is under debate? Or is it more of a due-diligence process that has to be undergone before issuance?

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**Cc:** Radha Adhar Ex. 6 Personal Privacy (PP)  
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**Sent:** 3/27/2021 12:41:33 AM  
**To:** Byron Bunker [Bunker.Byron@epa.gov]; Benjamin Hengst (Hengst.Benjamin@epa.gov) [Hengst.Benjamin@epa.gov]  
**Subject:** FW: Sinclair Updates

Fyi

---

**From:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Sent:** Friday, March 26, 2021 8:10 PM  
**To:** Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>  
**Cc:** Radha Adhar <[Ex. 6 Personal Privacy (PP)]>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>  
**Subject:** Re: Sinclair Updates

As usual, sterling advice from ARLO. Thanks

Sent from my iPhone

On Mar 26, 2021, at 8:06 PM, Srinivasan, Gautam <Srinivasan.Gautam@epa.gov> wrote:

## Ex. 5 Attorney Client (AC)

+++++

(202) 564-5647 (o)

[Ex. 6 Personal Privacy (PP)]

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**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>  
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 Acting Assistant Administrator  
 Office of Air and Radiation  
 U.S. Environmental Protection Agency

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**Subject:** Sinclair Updates

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<HPSCAN\_20210326202156986\_2021-03-26\_202331701[2].pdf>

<HPSCAN\_20210326205331074\_2021-03-26\_205506385[1].pdf>

## Message

**From:** Morrison, Matthew W. [matthew.morrison@pillsburylaw.com]  
**Sent:** 3/18/2021 11:27:47 PM  
**To:** Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]  
**CC:** Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE

Thanks, Dan – please call my cell – Ex. 6 Personal Privacy (PP) I will send an invite, but more for myself. Will Sue and/or Ben be able to join us? They are welcome, of course.

Matt

---

**From:** Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>  
**Sent:** Thursday, March 18, 2021 6:48 PM  
**To:** Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>  
**Cc:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Susan Stahle <Stahle.Susan@epa.gov>  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE

Great, I'll call you at 9:45. Should I use your (202) office number or your ----- mobile?

---

**From:** Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>  
**Sent:** Thursday, March 18, 2021 2:21 PM  
**To:** Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>  
**Cc:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Susan Stahle <Stahle.Susan@epa.gov>  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE

Thanks, Dan – tomorrow morning would be great if that's good for you. I'm fairly open any time after 9:30.

Best,

Matt

---

**From:** Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>  
**Sent:** Thursday, March 18, 2021 1:23 PM  
**To:** Morrison, Matthew W. <matthew.morrison@pillsburylaw.com>  
**Cc:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Susan Stahle <Stahle.Susan@epa.gov>  
**Subject:** Re: Sinclair Sues EPA for Not Providing the RINs from its SRE

\* EXTERNAL EMAIL \*

Hi Matt - I can talk today or tomorrow.

Sent from my iPhone

On Mar 18, 2021, at 12:06 PM, Morrison, Matthew W. <matthew.morrison@pillsburylaw.com> wrote:

Hi Ben and Dan,

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Thanks very much,

Matt

### **Refiner files 10th Circuit suit over EPA's RFS waiver response**

March 17, 2021

A Wyoming refiner is suing EPA over the Trump administration's 11th-hour response to the company's petition seeking renewable fuel standard (RFS) waivers for two of its facilities, pursuing the case in the U.S. Court of Appeals for the 10th Circuit that previously issued a ruling significantly limiting EPA's power to issue such waivers.

The March 15 suit challenges a Jan. 14 decision signed by former Trump agency Administrator Andrew Wheeler on the company's request to grant RFS compliance extensions to the Sinclair Wyoming Refining Company for the 2018 and 2019 RFS, and a waiver for the Sinclair Casper Refining Company for the 2019 RFS.

Although Wheeler signed the response, it was never published in the Federal Register, which would start a 60-day clock for filing suit over the decision. But Sinclair argues that the rule became a final agency action subject to judicial review on Jan. 28 under the terms of a 1985 Register notice on the timing of an EPA administrator's actions under the Clean Air Act. The policy says that unless an administrator explicitly provides the time and date of promulgation for a rule in the Register, the action at issue becomes final two weeks after it is signed.

Sinclair does not say whether EPA approved or rejected its petition, and Wheeler's response -- attached as an exhibit to the suit -- includes a large amount of redacted text beyond the agency's description of recent background regarding its RFS waiver program.

EPA can grant waivers to small refiners if they can demonstrate "disproportionate economic hardship" from having to comply with the RFS, through which the agency sets annual biofuels production goals.


But the agency has yet to act on a host of pending RFS waiver requests following a 10th Circuit ruling from January 2020 in *HollyFrontier Cheyenne v. Renewable Fuels Association*, which effectively bars the agency from issuing RFS waivers -- a ruling the Biden EPA recently said it now supports. Refiners are appealing that ruling to the Supreme Court, which will hear oral argument in the case on April 27.

In a related development, the 9th Circuit on March 15 ordered EPA to quickly provide an explanation for its decision to return RFS credits to a California refiner when it granted the



company's request for an RFS compliance waiver. The agency's response in the case is due before the justices will likely have ruled.

Matthew W. Morrison | Partner  
Pillsbury Winthrop Shaw Pittman LLP  
1200 Seventeenth Street NW | Washington, DC 20036-3006

t +1.202.663.8036 | f +1.202.663.8007 | m  Ex. 6 Personal Privacy (PP)

matthew.morrison@pillsburylaw.com | website bio

The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Shaw Pittman Service Desk at Tel: 800-477-0770, Option 1, immediately by telephone and delete this message, along with any attachments, from your computer. Nothing in this message may be construed as a digital or electronic signature of any employee of Pillsbury Winthrop Shaw Pittman. Thank you.

<2021.03.15 Sinclair Petition for Review, 21-9528.pdf>

The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Shaw Pittman Service Desk at Tel: 800-477-0770, Option 1, immediately by telephone and delete this message, along with any attachments, from your computer. Nothing in this message may be construed as a digital or electronic signature of any employee of Pillsbury Winthrop Shaw Pittman. Thank you.

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Message

---

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 12/1/2020 6:05:12 PM  
**To:** Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]  
**CC:** Miller, Meredith [Miller.Meredith@epa.gov]  
**Subject:** FW: Direction from the Administrator (Deliberative)

FYI

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Sent:** Tuesday, December 1, 2020 12:56 PM  
**To:** Dubey, Susmita <dubey.susmita@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>  
**Cc:** Orlin, David <Orlin.David@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>  
**Subject:** FW: Direction from the Administrator (Deliberative)

---

**From:** Moor, Karl <Moor.Karl@epa.gov>  
**Sent:** Tuesday, December 1, 2020 12:55 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Cc:** Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Harlow, David <harlow.david@epa.gov>  
**Subject:** Direction from the Administrator (Deliberative)

**Ex. 5 Deliberative Process (DP) / Ex. 4 CBI**

## **Ex. 5 Deliberative Process (DP) / Ex. 4 CBI**

Message

---

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 3/18/2021 6:03:46 PM  
**To:** Dubey, Susmita [dubey.susmita@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]  
**CC:** Orlin, David [Orlin.David@epa.gov]  
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U.S. Environmental Protection Agency  
WJCN-7502B  
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**From:** Stahle, Susan  
**Sent:** Thursday, March 18, 2021 2:01 PM  
**To:** Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>  
**Cc:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
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## Ex. 5 Deliberative Process (DP) / AWP / AC

Susan Stahle  
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A Wyoming refiner is suing EPA over the Trump administration's 11th-hour response to the company's petition seeking renewable fuel standard (RFS) waivers for two of its facilities, pursuing the case in the U.S. Court of Appeals for the 10th Circuit that previously issued a ruling significantly limiting EPA's power to issue such waivers.

The March 15 suit challenges a Jan. 14 decision signed by former Trump agency Administrator Andrew Wheeler on the company's request to grant RFS compliance extensions to the Sinclair Wyoming Refining Company for the 2018 and 2019 RFS, and a waiver for the Sinclair Casper Refining Company for the 2019 RFS.

Although Wheeler signed the response, it was never published in the Federal Register, which would start a 60-day clock for filing suit over the decision. But Sinclair argues that the rule became a final agency action subject to judicial review on Jan. 28 under the terms of a 1985 Register notice on the timing of an EPA administrator's actions under the Clean Air Act. The policy says that unless an administrator explicitly provides the time and date of promulgation for a rule in the Register, the action at issue becomes final two weeks after it is signed.

Sinclair does not say whether EPA approved or rejected its petition, and Wheeler's response -- attached as an exhibit to the suit -- includes a large amount of redacted text beyond the agency's description of recent background regarding its RFS waiver program.

EPA can grant waivers to small refiners if they can demonstrate "disproportionate economic hardship" from having to comply with the RFS, through which the agency sets annual biofuels production goals.

But the agency has yet to act on a host of pending RFS waiver requests following a 10th Circuit ruling from January 2020 in *HollyFrontier Cheyenne v. Renewable Fuels Association*, which effectively bars the agency from issuing RFS waivers -- a ruling the Biden EPA recently said it now supports. Refiners are appealing that ruling to the Supreme Court, which will hear oral argument in the case on April 27.

In a related development, the 9th Circuit on March 15 ordered EPA to quickly provide an explanation for its decision to return RFS credits to a California refiner when it granted the company's request for an RFS compliance waiver. The agency's response in the case is due before the justices will likely have ruled.

**Matthew W. Morrison** | Partner  
Pillsbury Winthrop Shaw Pittman LLP  
1200 Seventeenth Street NW | Washington, DC 20036-3006

t +1.202.663.8036 | f +1.202.663.8007 | m Ex. 6 - Personal Privacy

matthew.morrison@pillsburylaw.com | website bio

The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. If you have received this message in error, please notify the original sender or the Pillsbury Winthrop Shaw Pittman Service Desk at Tel: 800-477-0770, Option 1, immediately by telephone and delete this message, along with any attachments, from your computer. Nothing in this message may be construed as a digital or electronic signature of any employee of Pillsbury Winthrop Shaw Pittman. Thank you.

<2021.03.15 Sinclair Petition for Review, 21-9528.pdf>

## Message

**From:** Dubey, Susmita [dubey.susmita@epa.gov]  
**Sent:** 1/13/2021 12:21:00 AM  
**To:** Fotouhi, David [Fotouhi.David@epa.gov]  
**CC:** Stahle, Susan [Stahle.Susan@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Orlin, David [Orlin.David@epa.gov]  
**Subject:** Draft SRE decision memos  
**Attachments:** **Ex. 5 Deliberative Process (DP) / AWP** DRAFT\_Sinclair Refineries 2018-2019 Decision.docx

David – attached are two draft SRE decision memos.

**Ex. 5 Deliberative Process (DP) / AWP**

**Ex. 5 Deliberative Process (DP) / AWP**

The second is a draft action granting Sinclair Wyoming's 2018 and 2019 petitions, as well as Sinclair Casper's 2019 petition.

**Ex. 5 Deliberative Process (DP) / AWP**

**Ex. 5 Deliberative Process (DP) / AWP**

Susmita Dubey  
Office of General Counsel  
(202) 564-5577

## Message

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 1/7/2021 3:37:25 PM  
**To:** Orlin, David [Orlin.David@epa.gov]; Dubey, Susmita [dubey.susmita@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]  
**Subject:** RE: Draft SRE Decision for Sinclair WY 2018

## Ex. 5 Deliberative Process (DP) / AWP

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Orlin, David <Orlin.David@epa.gov>  
**Sent:** Thursday, January 7, 2021 10:30 AM  
**To:** Dubey, Susmita <dubey.susmita@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>  
**Subject:** RE: Draft SRE Decision for Sinclair WY 2018

## Ex. 5 Deliberative Process (DP) / AWP

David Orlin  
U.S. EPA, Office of General Counsel  
(202) 564-1222

---

**From:** Dubey, Susmita <dubey.susmita@epa.gov>  
**Sent:** Thursday, January 07, 2021 10:15 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>  
**Cc:** Orlin, David <Orlin.David@epa.gov>  
**Subject:** FW: Draft SRE Decision for Sinclair WY 2018

## Ex. 5 Deliberative Process (DP) / AWP

Susmita Dubey  
Office of General Counsel  
(202) 564-5577



---

**From:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>  
**Sent:** Thursday, January 7, 2021 10:07 AM  
**To:** Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>  
**Subject:** FW: Draft SRE Decision for Sinclair WY 2018

See below

---

**From:** Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Sent:** Thursday, January 7, 2021 9:50 AM  
**To:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>  
**Subject:** RE: Draft SRE Decision for Sinclair WY 2018

Ben,

I looked this over yesterday afternoon.

**Ex. 5 Deliberative Process (DP)**

## **Ex. 5 Deliberative Process (DP)**

David S. Harlow  
Senior Counsel  
Office of Air and Radiation, USEPA  
WJC-N Room 5409K  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-1233  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)  
5 U.S.C. § 3331

---

**From:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>  
**Sent:** Wednesday, January 6, 2021 4:01 PM  
**To:** Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Cc:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>; Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>  
**Subject:** Draft SRE Decision for Sinclair WY 2018

Hi David, Karl:

## Ex. 5 Deliberative Process (DP)

---

**From:** Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>

**Sent:** Tuesday, December 01, 2020 12:55 PM

**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>

**Cc:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>

**Subject:** Direction from the Administrator (Deliberative)

Good Afternoon Sarah,

## Ex. 5 Deliberative Process (DP)

## **Ex. 5 Deliberative Process (DP) / Ex. 4 CBI**

With Regard, Karl

## Message

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 3/25/2021 2:00:42 PM  
**To:** Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]  
**CC:** O'Donnell, Jessica (ENRD) [Jessica.O'Donnell@usdoj.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Dubey, Susmita [dubey.susmita@epa.gov]  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue  
**Attachments:** 1.5.21 Sinclair Wyoming Refinery 2018 DOE Re-Scoring.pdf; DOE score & notes for Sinclair-Casper 2019 petition rev1.pdf; DOE score & notes for Sinclair-Rawlins 2019 petition rev1.pdf

Attached are the DOE recommendations.

## Ex. 5 Attorney Client (AC) / AWP

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>  
**Sent:** Thursday, March 25, 2021 9:29 AM  
**To:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>  
**Subject:** 2021 Sinclair SRE decision - urgent timing issue

## Ex. 5 Attorney Client (AC) / AWP

Also, can you send me the DOE score sheets?

Ex. 5 Attorney Client (AC) / AWP

Ex. 5 Attorney Client (AC) / AWP

## Message

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 1/6/2021 5:50:40 PM  
**To:** Dubey, Susmita [dubey.susmita@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]  
**CC:** Miller, Meredith [Miller.Meredith@epa.gov]  
**Subject:** RE: Quick Input - Sinclair 2018

**Ex. 5 Deliberative Process (DP) / Attorney-Client Privilege (AC) / Attorney Work Product (AWP)**

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Dubey, Susmita <dubey.susmita@epa.gov>  
**Sent:** Wednesday, January 6, 2021 12:44 PM  
**To:** Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>  
**Subject:** RE: Quick Input - Sinclair 2018

**Ex. 5 Deliberative Process (DP) / Attorney-Client Privilege (AC) / Attorney Work Product (AWP)**

Susmita Dubey  
Office of General Counsel  
(202) 564-5577

---

**From:** Orlin, David <Orlin.David@epa.gov>  
**Sent:** Wednesday, January 6, 2021 12:42 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>  
**Subject:** RE: Quick Input - Sinclair 2018

**Ex. 5 Deliberative Process (DP) / Attorney-Client Privilege (AC) / Attorney Work Product (AWP)**

David Orlin  
U.S. EPA, Office of General Counsel  
(202) 564-1222

---

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Wednesday, January 06, 2021 12:37 PM  
**To:** Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>  
**Cc:** Orlin, David <Orlin.David@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>  
**Subject:** FW: Quick Input - Sinclair 2018

**Ex. 5 Deliberative Process (DP) / Attorney-Client Privilege (AC) / Attorney Work Product (AWP)**

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Bunker, Byron <bunker.byron@epa.gov>  
**Sent:** Wednesday, January 6, 2021 12:31 PM  
**To:** Orlin, David <Orlin.David@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>  
**Cc:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>  
**Subject:** Quick Input - Sinclair 2018

Hi Sue and team.

**Ex. 5 Deliberative Process (DP) / Attorney-Client Privilege (AC)**

Thanks,

Byron

\*\*\*\*\*

Byron Bunker

Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155  
Mobile: (734) 353-9623  
\*\*\*\*\*

---

**From:** Bunker, Byron  
**Sent:** Tuesday, January 05, 2021 1:56 PM  
**To:** Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>; Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>  
**Cc:** Benjamin Hengst <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>  
**Subject:** FW: Direction from the Administrator (Deliberative)

---

**From:** Bunker, Byron  
**Sent:** Tuesday, January 05, 2021 1:40 PM  
**To:** Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>; Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>  
**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David <[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** RE: Direction from the Administrator (Deliberative)

Hi David,

## Ex. 5 Deliberative Process (DP)

Thanks,

Byron

<< File: 2018 Small Refinery RFS Decision Memo 2019.08.09.pdf >> << File: RFA opening brief.pdf >>

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155  
Mobile: (734) 353-9623

\*\*\*\*\*

---

**From:** Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Sent:** Tuesday, January 05, 2021 12:56 PM  
**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>  
**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** RE: Direction from the Administrator (Deliberative)

Byron,

## Ex. 5 Deliberative Process (DP)

David S. Harlow  
Senior Counsel  
Office of Air and Radiation, USEPA  
WJC-N Room 5409K  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-1233  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)



5 U.S.C. § 3331

---

**From:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>  
**Sent:** Tuesday, January 5, 2021 11:32 AM  
**To:** Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>  
**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** RE: Direction from the Administrator (Deliberative)  
**Importance:** High

Hi Karl,

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155  
Mobile: (734) 353-9623

\*\*\*\*\*

---

**From:** Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>  
**Sent:** Tuesday, December 01, 2020 12:55 PM  
**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Cc:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Subject:** Direction from the Administrator (Deliberative)

Good Afternoon Sarah,

# **Ex. 5 Deliberative Process (DP)**

With Regard, Karl

## Message

**From:** Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]  
**Sent:** 1/6/2021 12:52:01 AM  
**To:** Dubey, Susmita [dubey.susmita@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Orlin, David [Orlin.David@epa.gov]  
**Subject:** FW: Direction from the Administrator (Deliberative)

**Ex. 5 Deliberative Process (DP) / Attorney-Client Privilege (AC) / Attorney Work Product (AWP)**

+++++

(202) 564-5647 (o)

Ex. 6 Personal Privacy (PP)

**From:** Fotouhi, David <Fotouhi.David@epa.gov>  
**Sent:** Tuesday, January 5, 2021 6:36 PM  
**To:** Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>  
**Subject:** FW: Direction from the Administrator (Deliberative)

Please see below. Let's discuss at our next opportunity.

**David Fotouhi**

Acting General Counsel  
 U.S. Environmental Protection Agency  
 Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

**From:** Harlow, David <harlow.david@epa.gov>  
**Sent:** Tuesday, January 5, 2021 2:30 PM  
**To:** Bunker, Byron <bunker.byron@epa.gov>; Moor, Karl <Moor.Karl@epa.gov>  
**Cc:** Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Subject:** RE: Direction from the Administrator (Deliberative)

Byron,

**Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

David S. Harlow  
Senior Counsel  
Office of Air and Radiation, USEPA  
WJC-N Room 5409K  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-1233  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)  
5 U.S.C. § 3331

---

**From:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>  
**Sent:** Tuesday, January 5, 2021 1:40 PM  
**To:** Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>; Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>  
**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** RE: Direction from the Administrator (Deliberative

Hi David,

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

<< File: 2018 Small Refinery RFS Decision Memo 2019.08.09.pdf >> << File: RFA opening brief.pdf >>

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>  
**Sent:** Tuesday, January 05, 2021 12:56 PM  
**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>  
**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>  
**Subject:** RE: Direction from the Administrator (Deliberative)

Byron,

## Ex. 5 Deliberative Process (DP)

David S. Harlow  
Senior Counsel  
Office of Air and Radiation, USEPA  
WJC-N Room 5409K  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-1233

[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

5 U.S.C. § 3331

---

**From:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>

**Sent:** Tuesday, January 5, 2021 11:32 AM

**To:** Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>

**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Harlow, David <[harlow.david@epa.gov](mailto:harlow.david@epa.gov)>; Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>

**Subject:** RE: Direction from the Administrator (Deliberative)

**Importance:** High

Hi Karl,

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Moor, Karl <[Moor.Karl@epa.gov](mailto:Moor.Karl@epa.gov)>

**Sent:** Tuesday, December 01, 2020 12:55 PM

**To:** Dunham, Sarah <[Dunham.Sarah@epa.gov](mailto:Dunham.Sarah@epa.gov)>

**Cc:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Fotouhi, David

<Fotouhi.David@epa.gov>; Harlow, David <harlow.david@epa.gov>

**Subject:** Direction from the Administrator (Deliberative)

Good Afternoon Sarah,

# Ex. 5 Deliberative Process (DP)

With Regard, Karl

Message

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**From:** Fotouhi, David [Fotouhi.David@epa.gov]  
**Sent:** 12/1/2020 6:04:28 PM  
**To:** Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Dubey, Susmita [dubey.susmita@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]  
**Subject:** FW: Direction from the Administrator (Deliberative)

FYI

**David Fotouhi**

Acting General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

---

**From:** Moor, Karl <Moor.Karl@epa.gov>  
**Sent:** Tuesday, December 1, 2020 12:55 PM  
**To:** Dunham, Sarah <Dunham.Sarah@epa.gov>  
**Cc:** Bunker, Byron <bunker.byron@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Harlow, David <harlow.david@epa.gov>  
**Subject:** Direction from the Administrator (Deliberative)

Good Afternoon Sarah,

# Ex. 5 Deliberative Process (DP)



## **Ex. 5 Deliberative Process (DP) / Ex. 4 CBI**

With Regard, Karl

## Message

**From:** Stahle, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B25318C6014D4FB985288E15143C8596-SSTAHLE]  
**Sent:** 3/25/2021 6:58:55 PM  
**To:** Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue  
**Attachments:** SWR Petition for Review of 2018 RFS Exemption Denial.pdf; 31SRE - EPA Motion to Dismiss (as filed).pdf; Sinclair - 113(g) FR Notice - 091415.pdf; Sinclair Small Refinery Litigation - Settlement Agreement - for public comment - 082515.doc

Dan –

I'm attaching publicly available documents that we can point to for the information you highlighted in red. It will not necessarily cover every single word but it will cover a lot of it. I can walk you through it as needed.

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

---

**From:** Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>  
**Sent:** Thursday, March 25, 2021 2:01 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Sue could you help me track down the public sources for more of what's currently in red? Reply just to me if you think we don't all need to be on this sub-topic.

---

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Thursday, March 25, 2021 1:49 PM  
**To:** Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>; Dubey, Susmita <dubey.susmita@epa.gov>; O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue

Dan –

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

**From:** Dertke, Daniel (ENRD) <[Daniel.Dertke@usdoj.gov](mailto:Daniel.Dertke@usdoj.gov)>  
**Sent:** Thursday, March 25, 2021 1:30 PM  
**To:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; O'Donnell, Jessica (ENRD) <[Jessica.O'Donnell@usdoj.gov](mailto:Jessica.O'Donnell@usdoj.gov)>; Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue

There is one other deadline – **Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

**From:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Sent:** Thursday, March 25, 2021 12:55 PM  
**To:** O'Donnell, Jessica (ENRD) <[JO'Donnell@ENRD.USDOJ.GOV](mailto:JO'Donnell@ENRD.USDOJ.GOV)>; Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Dertke, Daniel (ENRD) <[DDertke@ENRD.USDOJ.GOV](mailto:DDertke@ENRD.USDOJ.GOV)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susmita Dubey  
Office of General Counsel  
(202) 564-5577

**From:** O'Donnell, Jessica (ENRD) <[Jessica.O'Donnell@usdoj.gov](mailto:Jessica.O'Donnell@usdoj.gov)>  
**Sent:** Thursday, March 25, 2021 11:02 AM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Dertke, Daniel (ENRD) <[Daniel.Dertke@usdoj.gov](mailto:Daniel.Dertke@usdoj.gov)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Dan – Sorry I keep asking this and forgetting the answer, but are there any other deadlines in the case at present?

Jessica O'Donnell  
Assistant Section Chief  
Environmental Defense Section  
202.305.0851

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Sent:** Thursday, March 25, 2021 10:35 AM  
**To:** Dertke, Daniel (ENRD) <[DDertke@ENRD.USDOJ.GOV](mailto:DDertke@ENRD.USDOJ.GOV)>  
**Cc:** O'Donnell, Jessica (ENRD) <[JO'Donnell@ENRD.USDOJ.GOV](mailto:JO'Donnell@ENRD.USDOJ.GOV)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Dertke, Daniel (ENRD) <[Daniel.Dertke@usdoj.gov](mailto:Daniel.Dertke@usdoj.gov)>  
**Sent:** Thursday, March 25, 2021 10:14 AM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** O'Donnell, Jessica (ENRD) <[Jessica.O'Donnell@usdoj.gov](mailto:Jessica.O'Donnell@usdoj.gov)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Thursday, March 25, 2021 10:01 AM  
**To:** Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>  
**Cc:** O'Donnell, Jessica (ENRD) <JO'Donnell@ENRD.USDOJ.GOV>; Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: 2021 Sinclair SRE decision - urgent timing issue

Attached are the DOE recommendations.

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

**From:** Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>  
**Sent:** Thursday, March 25, 2021 9:29 AM  
**To:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>  
**Subject:** 2021 Sinclair SRE decision - urgent timing issue

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Also, can you send me the DOE score sheets?

Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

## Message

**From:** Dertke, Daniel (ENRD) [Daniel.Dertke@usdoj.gov]  
**Sent:** 3/19/2021 3:19:29 PM  
**To:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE  
**Attachments:** 2021 SRE 10th order denying motion for protective order.pdf

Here's the order from Wednesday denying the consent motion to enter a protective order, in RFA's case No. 21-9518.

---

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Friday, March 19, 2021 10:12 AM  
**To:** Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE

Happy to talk if that is easier.

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

---

**From:** Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>  
**Sent:** Friday, March 19, 2021 10:04 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE

I'm off the call. Would you rather talk or have an email summary?

---

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Friday, March 19, 2021 9:41 AM  
**To:** Dertke, Daniel (ENRD) <DDertke@ENRD.USDOJ.GOV>  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE

Sounds good. I'll not join the call and hear from you afterwards about it. Thanks.

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

---

**From:** Dertke, Daniel (ENRD) <Daniel.Dertke@usdoj.gov>  
**Sent:** Friday, March 19, 2021 9:36 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Subject:** Re: Sinclair Sues EPA for Not Providing the RINs from its SRE

I think better to keep the agency folks separate.

Sent from my iPhone

On Mar 19, 2021, at 9:33 AM, Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)> wrote:

Do you have any preference on whether I join this call or not? I don't. I can do what helps you.

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

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**From:** Dertke, Daniel (ENRD) <[Daniel.Dertke@usdoj.gov](mailto:Daniel.Dertke@usdoj.gov)>  
**Sent:** Thursday, March 18, 2021 6:48 PM  
**To:** Morrison, Matthew W. <[matthew.morrison@pillsburylaw.com](mailto:matthew.morrison@pillsburylaw.com)>  
**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE

Great, I'll call you at 9:45. Should I use your (202) office number or your (571) mobile?

---

**From:** Morrison, Matthew W. <[matthew.morrison@pillsburylaw.com](mailto:matthew.morrison@pillsburylaw.com)>  
**Sent:** Thursday, March 18, 2021 2:21 PM  
**To:** Dertke, Daniel (ENRD) <[DDertke@ENRD.USDOJ.GOV](mailto:DDertke@ENRD.USDOJ.GOV)>  
**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Susan Stahle <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Subject:** RE: Sinclair Sues EPA for Not Providing the RINs from its SRE

Thanks, Dan – tomorrow morning would be great if that's good for you. I'm fairly open any time after 9:30.

Best,

Matt

---

**From:** Dertke, Daniel (ENRD) <[Daniel.Dertke@usdoj.gov](mailto:Daniel.Dertke@usdoj.gov)>  
**Sent:** Thursday, March 18, 2021 1:23 PM  
**To:** Morrison, Matthew W. <[matthew.morrison@pillsburylaw.com](mailto:matthew.morrison@pillsburylaw.com)>  
**Cc:** Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Susan Stahle <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Subject:** Re: Sinclair Sues EPA for Not Providing the RINs from its SRE

\* EXTERNAL EMAIL \*

Hi Matt - I can talk today or tomorrow.

Sent from my iPhone

On Mar 18, 2021, at 12:06 PM, Morrison, Matthew W.  
<[matthew.morrison@pillsburylaw.com](mailto:matthew.morrison@pillsburylaw.com)> wrote:

Hi Ben and Dan,

I'm sure you've seen the news of Sinclair's new petition, but I wanted to see if you have a few minutes later today (other than 2-4), tomorrow, or early next week to touch base. RFA has not decided whether it might intervene, and for all we know this action may be consolidated with the action currently held in abeyance. But whether we jump in also depends in large part on how the government plans to respond to Sinclair's petition.

Thanks very much,

Matt

### **Refiner files 10th Circuit suit over EPA's RFS waiver response**

March 17, 2021

A Wyoming refiner is suing EPA over the Trump administration's 11th-hour response to the company's petition seeking renewable fuel standard (RFS) waivers for two of its facilities, pursuing the case in the U.S. Court of Appeals for the 10th Circuit that previously issued a ruling significantly limiting EPA's power to issue such waivers.

The March 15 suit challenges a Jan. 14 decision signed by former Trump agency Administrator Andrew Wheeler on the company's request to grant RFS compliance extensions to the Sinclair Wyoming Refining Company for the 2018 and 2019 RFS, and a waiver for the Sinclair Casper Refining Company for the 2019 RFS.

Although Wheeler signed the response, it was never published in the Federal Register, which would start a 60-day clock for filing suit over the decision. But Sinclair argues that the rule became a final agency action subject to judicial review on Jan. 28 under the terms of a 1985 Register notice on the timing of an EPA administrator's actions under the Clean Air Act. The policy says that unless an administrator explicitly provides the time and date of promulgation for a rule in the Register, the action at issue becomes final two weeks after it is signed.

Sinclair does not say whether EPA approved or rejected its petition, and Wheeler's response -- attached as an exhibit to the suit -- includes a large amount of redacted text beyond the agency's description of recent background regarding its RFS waiver program.

EPA can grant waivers to small refiners if they can demonstrate "disproportionate economic hardship" from having to comply with the RFS, through which the agency sets annual biofuels production goals.



But the agency has yet to act on a host of pending RFS waiver requests following a 10th Circuit ruling from January 2020 in *HollyFrontier Cheyenne v. Renewable Fuels Association*, which effectively bars the agency from issuing RFS waivers -- a ruling the Biden EPA recently said it now supports. Refiners are appealing that ruling to the Supreme Court, which will hear oral argument in the case on April 27.

In a related development, the 9th Circuit on March 15 ordered EPA to quickly provide an explanation for its decision to return RFS credits to a California refiner when it granted the company's request for an RFS compliance waiver. The agency's response in the case is due before the justices will likely have ruled.

**Matthew W. Morrison** | Partner  
Pillsbury Winthrop Shaw Pittman LLP  
1200 Seventeenth Street NW | Washington, DC 20036-3006

t +1.202.663.8036 | f +1.202.663.8007 | m Ex. 6 - Personal Privacy

matthew.morrison@pillsburylaw.com | website bio

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<2021.03.15 Sinclair Petition for Review, 21-9528.pdf>

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## Message

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 1/5/2021 2:39:18 PM  
**To:** Bunker, Byron [bunker.byron@epa.gov]; Michaels, Lauren [Michaels.Lauren@epa.gov]; Burkholder, Dallas [burkholder.dallas@epa.gov]; Machiele, Paul [machiele.paul@epa.gov]; Nelson, Karen [nelson.karen@epa.gov]; Cohen, Janet [cohen.janet@epa.gov]; McKenna, Chris [McKenna.Chris@epa.gov]; Spencer, Mark [spencer.mark@epa.gov]; Gustafson, Kurt [Gustafson.Kurt@epa.gov]; Weihrauch, John [Weihrauch.John@epa.gov]; Manners, Mary [manners.mary@epa.gov]; Parsons, Nick [Parsons.Nick@epa.gov]  
**CC:** Dubey, Susmita [dubey.susmita@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]  
**Subject:** Ex. 5 Deliberative Process (DP)  
**Attachments:** Ex. 4 CBI

A few thoughts we can discuss at 10:00 am (and some documents to have handy).

**Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product (AWP)**

## Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product (AWP)

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Bunker, Byron <bunker.byron@epa.gov>

**Sent:** Monday, January 4, 2021 7:16 PM

**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

# **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
 Director Compliance Division  
 Office of Transportation and Air Quality  
 Environmental Protection Agency  
 2000 Traverwood Drive  
 Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
 Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Monday, January 04, 2021 12:18 PM

**To:** Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>; Li, Ryland (Shengzhi) <[Li.Ryland@epa.gov](mailto:Li.Ryland@epa.gov)>; Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>

**Subject:** Ex. 5 Deliberative Process (DP)

I have included some comments in the document itself.

Here I will note I agree with all the comments made by Dallas, Paul and Lauren.

## **Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product (AWP)**

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

**From:** Michaels, Lauren <Michaels.Lauren@epa.gov>

**Sent:** Monday, January 4, 2021 11:08 AM

**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

## **Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product (AWP)**

## Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product (AWP)

**From:** Burkholder, Dallas <burkholder.dallas@epa.gov>

**Sent:** Monday, January 04, 2021 10:24 AM

**To:** Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

I just finished reading through this document and left numerous comments on the sharepoint site. Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Dallas

**From:** Machiele, Paul <machiele.paul@epa.gov>

**Sent:** Monday, January 04, 2021 9:52 AM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

Byron,



# Ex. 5 Deliberative Process (DP)

Paul

**From:** Bunker, Byron <bunker.byron@epa.gov>

**Sent:** Monday, January 04, 2021 8:36 AM

**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller { **Ex. 6 Personal Privacy (PP)** } Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** **Ex. 5 Deliberative Process (DP)**

**Importance:** High

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Bunker, Byron

**Sent:** Monday, December 21, 2020 10:22 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller { Ex. 6 Personal Privacy (PP) }; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

I want to share some follow-up direction we received from David Fotouhi at our 2:00 pm meeting.

**Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product (AWP)**

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel

U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product (AWP)

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

## Microsoft Teams meeting

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## Message

**From:** Burkholder, Dallas [burkholder.dallas@epa.gov]  
**Sent:** 1/5/2021 2:38:26 PM  
**To:** Machiele, Paul [machiele.paul@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]; Michaels, Lauren [Michaels.Lauren@epa.gov]; Nelson, Karen [nelson.karen@epa.gov]; Cohen, Janet [cohen.janet@epa.gov]; McKenna, Chris [McKenna.Chris@epa.gov]; Spencer, Mark [spencer.mark@epa.gov]; Gustafson, Kurt [Gustafson.Kurt@epa.gov]; Weihrauch, John [Weihrauch.John@epa.gov]; Manners, Mary [manners.mary@epa.gov]; Parsons, Nick [Parsons.Nick@epa.gov]  
**CC:** Dubey, Susmita [dubey.susmita@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]; Orlin, David [Orlin.David@epa.gov]  
**Subject:** **Ex. 5 Deliberative Process (DP)**

A couple quick reactions from me in advance of our 10am call. In some sense this is a re-statement of some of my comments on the document, but may be helpful to focus that conversation.

## Ex. 5 Deliberative Process (DP)

**From:** Machiele, Paul <machiele.paul@epa.gov>  
**Sent:** Tuesday, January 05, 2021 9:24 AM  
**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>  
**Subject:** **Ex. 5 Deliberative Process (DP)**

Byron,

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Paul

**From:** Bunker, Byron <bunker.byron@epa.gov>

**Sent:** Monday, January 04, 2021 7:16 PM

**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

## **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
 Director Compliance Division  
 Office of Transportation and Air Quality  
 Environmental Protection Agency  
 2000 Traverwood Drive  
 Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
 Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Monday, January 04, 2021 12:18 PM

**To:** Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>; Li, Ryland (Shengzhi) <[Li.Ryland@epa.gov](mailto:Li.Ryland@epa.gov)>; Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>

**Subject:** **Ex. 5 Deliberative Process (DP)**



I have included some comments in the document itself.

Here I will note I agree with all the comments made by Dallas, Paul and Lauren.

## Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Michaels, Lauren <Michaels.Lauren@epa.gov>

**Sent:** Monday, January 4, 2021 11:08 AM

**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product

## Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product

**From:** Burkholder, Dallas <burkholder.dallas@epa.gov>

**Sent:** Monday, January 04, 2021 10:24 AM

**To:** Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller { Ex. 6 Personal Privacy (PP) }; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

I just finished reading through this document and left numerous comments on the sharepoint site. Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Dallas

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**Sent:** Monday, January 04, 2021 9:52 AM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller { Ex. 6 Personal Privacy (PP) }; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

Byron,

# Ex. 5 Deliberative Process (DP)

Paul

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**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

**Importance:** High

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

---

**From:** Bunker, Byron

**Sent:** Monday, December 21, 2020 10:22 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <**Ex. 6 Personal Privacy (PP)**>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

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**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

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**Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product (AWP)**

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel

U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Deliberative Process (DP)/ Ex. 5 Attorney Work Product

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

## Microsoft Teams meeting

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**Ex. 6 Personal Privacy (PP)** United States, Washington DC

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## Message

**From:** Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]  
**Sent:** 1/4/2021 8:55:36 PM  
**To:** Orlin, David [Orlin.David@epa.gov]  
**CC:** Davis, Theresa [Davis.Theresa@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Yes, very good. Theresa, can you please add David to the invite to SRE club meetings forever after? (hahaha – kidding – for tomorrow only). Hope you can join us, David! - j. -

**From:** Orlin, David <Orlin.David@epa.gov>  
**Sent:** Monday, January 4, 2021 3:29 PM  
**To:** Cohen, Janet <cohen.janet@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Thanks Janet—can you send me the invite for the 10 am call? I'd like to join if I can

David Orlin  
 U.S. EPA, Office of General Counsel  
 (202) 564-1222

**From:** Cohen, Janet <cohen.janet@epa.gov>  
**Sent:** Monday, January 04, 2021 2:48 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

- J. -

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Monday, January 4, 2021 12:18 PM  
**To:** Michaels, Lauren <Michaels.Lauren@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary

<manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

I have included some comments in the document itself.

Here I will note I agree with all the comments made by Dallas, Paul and Lauren.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Michaels, Lauren <Michaels.Lauren@epa.gov>

**Sent:** Monday, January 4, 2021 11:08 AM

**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihsrauch, John <Weihsrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP) / Attorney Work Product



## Ex. 5 Deliberative Process (DP) / Attorney Work Product

**From:** Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Sent:** Monday, January 04, 2021 10:24 AM

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**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <[Ex. 6 Personal Privacy \(PP\)](#)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

Dallas

**From:** Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>

**Sent:** Monday, January 04, 2021 9:52 AM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <[REDACTED] Ex. 6 Personal Privacy (PP) >; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>  
**Subject:** RE: [REDACTED] Ex. 5 Deliberative Process (DP)

Byron,

## Ex. 5 Deliberative Process (DP)

Paul

---

**From:** Bunker, Byron <bunker.byron@epa.gov>  
**Sent:** Monday, January 04, 2021 8:36 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <[REDACTED] Ex. 6 Personal Privacy (PP) >; Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Subject:** [REDACTED] Ex. 5 Deliberative Process (DP)  
**Importance:** High

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Bunker, Byron

**Sent:** Monday, December 21, 2020 10:22 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

I want to share some follow-up direction we received from David Fotouhi at our 2:00 pm meeting.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <Miller.Meredith@epa.gov>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

## Microsoft Teams meeting

### Join on your computer or mobile app

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### Or call in (audio only)

**Ex. 6 Personal Privacy (PP)** United States, Washington DC

Phone Conference ID: **Ex. 6 Personal Privacy (PP)**

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## Message

**From:** Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]  
**Sent:** 1/4/2021 6:51:36 PM  
**To:** Miller, Meredith [Miller.Meredith@epa.gov]; Nelson, Karen [nelson.karen@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Thanks Meredith, and thanks Karen for creating/posting an agenda. – j. -

**From:** Miller, Meredith <Miller.Meredith@epa.gov>  
**Sent:** Monday, January 4, 2021 1:02 PM  
**To:** Cohen, Janet <cohen.janet@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Davis, Theresa <Davis.Theresa@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP) / Attorney Work Product

Thanks!

**From:** Cohen, Janet <cohen.janet@epa.gov>  
**Sent:** Monday, January 4, 2021 12:30 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>; Orlin, David <Orlin.David@epa.gov>; Davis, Theresa <Davis.Theresa@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

- J. -

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**Subject:** RE: Ex. 5 Deliberative Process (DP)

I have included some comments in the document itself.

Here I will note I agree with all the comments made by Dallas, Paul and Lauren.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product

Susan Stahle  
Air and Radiation Law Office  
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U.S. Environmental Protection Agency  
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202-564-1272

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**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP) / Attorney Work Product



## Ex. 5 Deliberative Process (DP) / Attorney Work Product

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**Sent:** Monday, January 04, 2021 10:24 AM

**To:** Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Dallas

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**Sent:** Monday, January 04, 2021 9:52 AM

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Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>  
**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

Byron,

## Ex. 5 Deliberative Process (DP)

Paul

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**Sent:** Monday, January 04, 2021 8:36 AM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>  
**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>  
**Subject:** Ex. 5 Deliberative Process (DP)  
**Importance:** High

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

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---

**From:** Bunker, Byron

**Sent:** Monday, December 21, 2020 10:22 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <**Ex. 6 Personal Privacy (PP)**>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

I want to share some follow-up direction we received from David Fotouhi at our 2:00 pm meeting.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

## Microsoft Teams meeting

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## Message

**From:** Cohen, Janet [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D94B854E69CD4F9E80DB946BF9D1C1B2-COHEN, JANET]  
**Sent:** 1/4/2021 3:29:59 PM  
**To:** Orlin David (Orlin.David@epa.gov) [Orlin.David@epa.gov]; Charmley, William [charmley.william@epa.gov]  
**CC:** Stahle, Susan [Stahle.Susan@epa.gov]; Machiele, Paul [machiele.paul@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

David and Bill, if you are interested of course you are welcome to join our regular Tuesday small refinery exemptions club meeting tomorrow at 10. Let me know, I'll get you added to the invite. – j. -

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Monday, January 4, 2021 10:25 AM  
**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <meredithgmiller@gmail.com>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Looping in David Orlin on this email chain.

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

**From:** Burkholder, Dallas <burkholder.dallas@epa.gov>  
**Sent:** Monday, January 4, 2021 10:24 AM  
**To:** Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Dallas

**From:** Machiele, Paul <machiele.paul@epa.gov>

**Sent:** Monday, January 04, 2021 9:52 AM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

Byron,

# Ex. 5 Deliberative Process (DP)

Paul

**From:** Bunker, Byron <bunker.byron@epa.gov>

**Sent:** Monday, January 04, 2021 8:36 AM

**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>



Subject: **Ex. 5 Deliberative Process (DP)**

Importance: High

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

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**From:** Bunker, Byron

**Sent:** Monday, December 21, 2020 10:22 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren

<Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

## Ex. 5 Deliberative Process (DP)

Thanks,

Byron

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Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

---

**From:** Stahle, Susan <Stahle.Susan@epa.gov>

**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

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## Ex. 5 Deliberative Process (DP) / Attorney Work Product

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product

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Thanks!

---

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Message

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**From:** Hoffer, Melissa [Hoffer.Melissa@epa.gov]  
**Sent:** 4/12/2021 6:12:16 PM  
**To:** Goffman, Joseph [Goffman.Joseph@epa.gov]  
**Subject:** RE: Sinclair Updates

DOJ is still drafting the motion and declaration. I have my weekly with Matt and Gautam today and can ask for an update.

---

**From:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Sent:** Monday, April 12, 2021 1:53 PM  
**To:** Hoffer, Melissa <Hoffer.Melissa@epa.gov>  
**Subject:** FW: Sinclair Updates

This happened to remind me to ask whether there was an update on the 10<sup>th</sup> Circuit (or was it DC Circuit?) motion practice we had been discussing a couple of weeks back. Thanks.

Joseph Goffman  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency

---

**From:** Goffman, Joseph  
**Sent:** Monday, April 12, 2021 1:45 PM  
**To:** Adhar, Radha <Adhar.Radha@epa.gov>  
**Subject:** FW: Sinclair Updates

I will continue to stand back and leave it to you (or OGC) to respond unless you tell me otherwise – and in that case it will take some time. Thanks.

Joseph Goffman  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency

---

**From:** LaCroix, Cole (Lee) <Cole\_LaCroix@lee.senate.gov>  
**Sent:** Monday, April 12, 2021 1:42 PM  
**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>  
**Subject:** Re: Sinclair Updates

Hey everyone, hoping to follow up on this and get an update.

---

**From:** "LaCroix, Cole (Lee)" <Cole\_LaCroix@lee.senate.gov> on behalf of "LaCroix, Cole (Lee)" <Cole\_LaCroix@lee.senate.gov>  
**Date:** Friday, March 26, 2021 at 6:08 PM  
**To:** "Goffman, Joseph" <Goffman.Joseph@epa.gov>  
**Cc:** Radha Adhar <Ex. 6 Personal Privacy (PP)>  
**Subject:** Re: Sinclair Updates

Hi Joe and Radha,

Hope you both are doing well. This week when Mr. Regan spoke with Senator Lee, he made a series of comments relating the Sinclair situation to RFA v. EPA. This is concerning to me because we believe that the Sinclair waiver has nothing to do with RFA v. EPA. I've put some details down below explaining this and laying out how I hope we can proceed going forward.

**What is the continuity standard created by RFA v. EPA?**

In January 2020, the Tenth Circuit vacated and remanded three EPA decisions granting SRE petitions for the 2016 and 2017 RFS compliance years which were issued in calendar years 2017 and 2018, holding that a small refinery's petition can be granted only if the refinery satisfies two conditions: 1, the small refiner must demonstrate an existing exemption (meaning continuous exemptions from the inception of the program); and 2, the small refiner must demonstrate disproportionate economic hardship caused by RFS compliance.

**Does Sinclair meet the continuity standard under RFA v. EPA???**

Ex. 4 CBI

**Ex. 4 CBI**

**Ex. 4 CBI**

As I stated earlier, in RFA, the Tenth Circuit concluded that EPA may grant hardship relief to a small refinery only if that small refinery had continuously received hardship relief for the life of the RFS program.

Ex. 4 CBI

**Ex. 4 CBI**

## Ex. 4 CBI

Where does that leave us?

Ex. 4 CBI

the determinations of the court in RFA v. EPA are no longer relevant to EPA decision making. This means EPA doesn't have the authority withhold Sinclair's RINs. The relief that EPA rightfully provided Sinclair waived the company's compliance obligations under the RFS program. So EPA has no right to keep the compliance credits that Sinclair previously provided.

Ex. 4 CBI

Ex. 4 CBI

### Steps moving forward

While on the phone with Senator Lee, Administrator Regan was not understanding the Senator's concerns with the applicability of RFA v. EPA. He told the Senator that he would have EPA staff reach out to speak with our staff about the 'more granular details' of the issue. However, when I got on the phone with Radha, I was informed that we would no longer be able to communicate on issues related to Sinclair because of concerns regarding the confidential business information involved. I've attached a privacy release signed by Sinclair authorizing our office to investigate these matters. I need to immediately confirm our ability to communicate with your office on these issues related to Sinclair.

Secondly, while on the phone with the Senator, Mr. Regan again emphasized his commitment to transparency on the issue. While on the phone with Radha, I was told that EPA is or would be reaching out to Sinclair. That, however, has still not occurred. I need to set a date next week for EPA to speak to Sinclair even if simply to establish contact with the attorneys at OGC who are leading on this issue. It is critical that Sinclair be able to communicate with their regulatory agency about issues relevant to their operation.

Thanks for your attention on this important issue. Talk soon,  
Cole

---

**From:** "LaCroix, Cole (Lee)" <Cole\_LaCroix@lee.senate.gov>

**Date:** Thursday, March 11, 2021 at 2:43 PM

**To:** "Goffman, Joseph" <Goffman.Joseph@epa.gov>

**Cc:** Radha Adhar ; Ex. 6 Personal Privacy (PP)

**Subject:** Re: Sinclair Updates

Joe,

I know you all are working on this but I thought I might inquire a little further to understand the consideration your team is mulling over. The way I understood it was that once the court made its determination on the motion to stay the issuance of the RINs, it would then be the job of the EPA to promptly issue them. The only way I can imagine that not happening is if the agency is reconsidering the waiver? Is that the consideration that is under debate? Or is it more of a due-diligence process that has to be undergone before issuance?

## Ex. 4 CBI

Hoping you can shed some light on what the consideration is and, if you are aware, a potential timeline of when it could be sorted out.

Thanks for all you help on this issue.  
Cole

---

**From:** "Goffman, Joseph" <Goffman.Joseph@epa.gov>  
**Date:** Tuesday, March 9, 2021 at 8:46 PM  
**To:** "LaCroix, Cole (Lee)" <Cole\_LaCroix@lee.senate.gov>  
**Cc:** Radha Adhar { **Ex. 6 Personal Privacy (PP)** }  
**Subject:** RE: Sinclair Updates

Hi, Cole. Well, we've heard emphatically from both sides – RFA and the attorney representing Sinclair -- on their respective, conflicting preferences. Colleagues in the Air Program and in the General Counsel's office are deliberating on a recommendation to make to agency leadership on how to proceed, and I would propose that we connect once that recommendation is put forward and we decide what makes sense to do. Of course, if there's urgency on your end for a call tomorrow, I will try to find a time when either I or someone here can talk.

Thank you for getting in touch with me.

Best,  
Joe

Joseph Goffman  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency

---

**From:** LaCroix, Cole (Lee) <Cole\_LaCroix@lee.senate.gov>  
**Sent:** Tuesday, March 9, 2021 8:25 PM  
**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Subject:** Sinclair Updates

Hi Joe,

Hope you're doing well. Just wanted to check in and see what the latest was with Sinclair now that the court has made a determination. Would you be able to jump on a quick call tomorrow?

Thanks,  
Cole



Message

---

**From:** Goffman, Joseph [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=23474D598E8D4EDFA9214A5991F2935B-GOFFMAN, JO]  
**Sent:** 4/15/2021 1:50:08 AM  
**To:** Hoffer, Melissa [Hoffer.Melissa@epa.gov]  
**Subject:** RE: Sinclair Updates

Thanks, Melissa.

Joseph Goffman  
Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency

---

**From:** Hoffer, Melissa <Hoffer.Melissa@epa.gov>  
**Sent:** Wednesday, April 14, 2021 9:28 PM  
**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Subject:** RE: Sinclair Updates

We should be receiving the near final drafts of the motion and declaration tomorrow or Friday.

M

---

**From:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Sent:** Monday, April 12, 2021 1:53 PM  
**To:** Hoffer, Melissa <Hoffer.Melissa@epa.gov>  
**Subject:** FW: Sinclair Updates

This happened to remind me to ask whether there was an update on the 10<sup>th</sup> Circuit (or was it DC Circuit?) motion practice we had been discussing a couple of weeks back. Thanks.

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**Does Sinclair meet the continuity standard under RFA v. EPA???** Ex. 4 CBI

**Ex. 4 CBI**

# Ex. 4 CBI

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Ex. 4 CBI

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Where does that leave us?

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**To:** "Goffman, Joseph" <Goffman.Joseph@epa.gov>

**Cc:** Radha Adhar **Ex. 6 Personal Privacy (PP)**

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**From:** LaCroix, Cole (Lee) <Cole\_LaCroix@lee.senate.gov>  
**Sent:** Tuesday, March 9, 2021 8:25 PM  
**To:** Goffman, Joseph <Goffman.Joseph@epa.gov>  
**Subject:** Sinclair Updates

Hi Joe,

Hope you're doing well. Just wanted to check in and see what the latest was with Sinclair now that the court has made a determination. Would you be able to jump on a quick call tomorrow?

Thanks,  
Cole

## Message

**From:** Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]  
**Sent:** 1/4/2021 8:30:13 PM  
**To:** Michaels, Lauren [Michaels.Lauren@epa.gov]  
**Subject:** FW: **Ex. 5 Deliberative Process (DP)**

Lauren – thanks for looping me in. I’m going to leave this to Sue and Meredith, but below are my thoughts in case you’re curious.

Ryland (Shengzhi) Li  
US EPA, Office of General Counsel  
(202) 564-6787

---

**From:** Li, Ryland (Shengzhi)  
**Sent:** Monday, January 4, 2021 3:30 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Orlin, David <Orlin.David@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP) / Attorney Client (AC) / Attorney Work Product (AWP)**

Ryland (Shengzhi) Li  
US EPA, Office of General Counsel  
(202) 564-6787

**From:** Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>

**Sent:** Monday, January 4, 2021 2:48 PM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>; Li, Ryland (Shengzhi) <[Li.Ryland@epa.gov](mailto:Li.Ryland@epa.gov)>; Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

- J. -

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Monday, January 4, 2021 12:18 PM

**To:** Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>; Li, Ryland (Shengzhi) <[Li.Ryland@epa.gov](mailto:Li.Ryland@epa.gov)>; Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

I have included some comments in the document itself.

Here I will note I agree with all the comments made by Dallas, Paul and Lauren.

## Ex. 5 Attorney Work Product (AWP) / Deliberative Process (DP)

## Ex. 5 Attorney Work Product (AWP) / Deliberative Process (DP)

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

**From:** Michaels, Lauren <Michaels.Lauren@epa.gov>

**Sent:** Monday, January 4, 2021 11:08 AM

**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

## Ex. 5 Attorney Work Product (AWP) / Deliberative Process (DP)

**From:** Burkholder, Dallas <burkholder.dallas@epa.gov>

**Sent:** Monday, January 04, 2021 10:24 AM

**To:** Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin

<Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

I just finished reading through this document and left numerous comments on the sharepoint site: **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

Dallas

---

**From:** Machiele, Paul <machiele.paul@epa.gov>

**Sent:** Monday, January 04, 2021 9:52 AM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <**Ex. 6 Personal Privacy (PP)**>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Byron,

# Ex. 5 Deliberative Process (DP)

Paul



---

**From:** Bunker, Byron <bunker.byron@epa.gov>

**Sent:** Monday, January 04, 2021 8:36 AM

**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller [Ex. 6 Personal Privacy (PP)]; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

**Importance:** High

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency

2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Bunker, Byron

**Sent:** Monday, December 21, 2020 10:22 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

## Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller [ **Ex. 6 Personal Privacy (PP)** ]; Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

I want to share some follow-up direction we received from David Fotouhi at our 2:00 pm meeting.

## Ex. 5 Attorney Work Product (AWP) / Deliberative Process (DP)

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <Miller.Meredith@epa.gov>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Attorney Work Product (AWP) / Deliberative Process (DP)

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

---

## Microsoft Teams meeting

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### Or call in (audio only)

**Ex. 6 Personal Privacy (PP)** United States, Washington DC

Phone Conference ID: **Ex. 6 Personal Privacy (PP)**

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---

## Message

**From:** Meredith G. Miller [Ex. 6 Personal Privacy (PP)]  
**Sent:** 1/4/2021 3:27:25 PM  
**To:** Stahle, Susan [Stahle.Susan@epa.gov]  
**CC:** Burkholder, Dallas [burkholder.dallas@epa.gov]; Machiele, Paul [machiele.paul@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]; Nelson, Karen [nelson.karen@epa.gov]; Michaels, Lauren [Michaels.Lauren@epa.gov]; Cohen, Janet [cohen.janet@epa.gov]; McKenna, Chris [McKenna.Chris@epa.gov]; Spencer, Mark [spencer.mark@epa.gov]; Gustafson, Kurt [Gustafson.Kurt@epa.gov]; Weihrauch, John [Weihrauch.John@epa.gov]; Manners, Mary [manners.mary@epa.gov]; Parsons, Nick [Parsons.Nick@epa.gov]; Dubey, Susmita [dubey.susmita@epa.gov]; Hengst, Benjamin [Hengst.Benjamin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Orlin, David [Orlin.David@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]  
**Subject:** Re: [Ex. 5 Deliberative Process (DP)]

Hi all, please delete my Gmail address from this chain and respond to this email, I've now added my EPA address? Thanks so much and sorry for the hassle.

On Mon, Jan 4, 2021 at 10:25 AM Stahle, Susan <Stahle.Susan@epa.gov> wrote:

Looping in David Orlin on this email chain.

Susan Stahle

Air and Radiation Law Office

Office of General Counsel

U.S. Environmental Protection Agency

WJCN-7502B

202-564-1272

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**Sent:** Monday, January 4, 2021 10:24 AM  
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**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller [Ex. 6 Personal Privacy (PP)]; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>  
**Subject:** RE: [Ex. 5 Deliberative Process (DP)]

# Ex. 5 Deliberative Process (DP)

Dallas

**From:** Machiele, Paul <machiele.paul@epa.gov>

**Sent:** Monday, January 04, 2021 9:52 AM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

Byron,

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Paul

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**Sent:** Monday, January 04, 2021 8:36 AM

**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

**Importance:** High

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105



Bunker.Byron@epa.gov

Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

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**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <**Ex. 6 Personal Privacy (PP)**>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

**Ex. 5 Deliberative Process (DP)**

Thanks,

Byron

\*\*\*\*\*

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)

Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

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**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <[Ex. 6 Personal Privacy \(PP\)](#)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

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## **Ex. 5 Attorney Work Product (AWP) / Deliberative Process (DP)**

Let us know if you have any questions.

Thanks,

Susan Stahle

Air and Radiation Law Office

Office of General Counsel

U.S. Environmental Protection Agency

WJCN-7502B

202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Attorney Work Product (AWP) / Deliberative Process (DP)

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

## Microsoft Teams meeting

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**Ex. 6 Personal Privacy (PP)** United States, Washington DC

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---

## Message

**From:** Michaels, Lauren [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A44E1A5C23404801BD12621455CDE517-REID, LAURE]  
**Sent:** 1/4/2021 6:02:45 PM  
**To:** Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

<!--[if lte mso 15 || CheckWebRef]-->

Michaels, Lauren has shared a OneDrive for Business file with you. To view it, click the link below.

 Disproportionate Economic Hardship v2.docx

<!--[endif]-->

Yes, see attached.

**From:** Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>  
**Sent:** Monday, January 04, 2021 12:57 PM  
**To:** Michaels, Lauren <Michaels.Lauren@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Lauren, thanks for looping me in. Can you please send me the paper? Thanks.

Ryland (Shengzhi) Li  
 US EPA, Office of General Counsel  
 (202) 564-6787

**From:** Michaels, Lauren <Michaels.Lauren@epa.gov>  
**Sent:** Monday, January 4, 2021 11:08 AM  
**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP) / Attorney Work Product (AWP)**

## Ex. 5 Deliberative Process (DP) / Attorney Work Product (AWP)

**From:** Burkholder, Dallas <burkholder.dallas@epa.gov>

**Sent:** Monday, January 04, 2021 10:24 AM

**To:** Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Dallas

**From:** Machiele, Paul <machiele.paul@epa.gov>

**Sent:** Monday, January 04, 2021 9:52 AM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

Byron,

# Ex. 5 Deliberative Process (DP)

Paul

**From:** Bunker, Byron <bunker.byron@epa.gov>

**Sent:** Monday, January 04, 2021 8:36 AM

**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

**Importance:** High

# Ex. 5 Deliberative Process (DP)



# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
 Director Compliance Division  
 Office of Transportation and Air Quality  
 Environmental Protection Agency  
 2000 Traverwood Drive  
 Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
 Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

**From:** Bunker, Byron

**Sent:** Monday, December 21, 2020 10:22 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller **Ex. 6 Personal Privacy (PP)** >; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <[Meredith.Miller@epa.gov](mailto:Meredith.Miller@epa.gov)> Ex. 6 Personal Privacy (PP); Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

I want to share some follow-up direction we received from David Fotouhi at our 2:00 pm meeting.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product (AWP)

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel

U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Deliberative Process (DP) / Attorney Work Product (AWP)

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

## Microsoft Teams meeting

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## Message

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 1/4/2021 8:52:43 PM  
**To:** Li, Ryland (Shengzhi) [Li.Ryland@epa.gov]  
**CC:** Dubey, Susmita [dubey.susmita@epa.gov]; Miller, Meredith [Miller.Meredith@epa.gov]; Orlin, David [Orlin.David@epa.gov]  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Thanks Ryland. If I were you I'd run as far from this as I could. ☺

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>  
**Sent:** Monday, January 4, 2021 3:29 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Orlin, David <Orlin.David@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP) / Attorney Client (AC) / Attorney Work Product (AWP)**

Ryland (Shengzhi) Li  
US EPA, Office of General Counsel  
(202) 564-6787

---

**From:** Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>

**Sent:** Monday, January 4, 2021 2:48 PM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>; Li, Ryland (Shengzhi) <[Li.Ryland@epa.gov](mailto:Li.Ryland@epa.gov)>; Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

- J. -

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Monday, January 4, 2021 12:18 PM

**To:** Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; McKenna, Chris <[McKenna.Chris@epa.gov](mailto:McKenna.Chris@epa.gov)>; Spencer, Mark <[spencer.mark@epa.gov](mailto:spencer.mark@epa.gov)>; Gustafson, Kurt <[Gustafson.Kurt@epa.gov](mailto:Gustafson.Kurt@epa.gov)>; Weihrauch, John <[Weihrauch.John@epa.gov](mailto:Weihrauch.John@epa.gov)>; Manners, Mary <[manners.mary@epa.gov](mailto:manners.mary@epa.gov)>; Parsons, Nick <[Parsons.Nick@epa.gov](mailto:Parsons.Nick@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Charmley, William <[charmley.william@epa.gov](mailto:charmley.william@epa.gov)>; Li, Ryland (Shengzhi) <[Li.Ryland@epa.gov](mailto:Li.Ryland@epa.gov)>; Orlin, David <[Orlin.David@epa.gov](mailto:Orlin.David@epa.gov)>

**Subject:** RE: Ex. 5 Deliberative Process (DP)

I have included some comments in the document itself.

Here I will note I agree with all the comments made by Dallas, Paul and Lauren.

## Ex. 5 Deliberative Process (DP) / Attorney Client (AC) / Attorney Work Product (AWP)

**Ex. 5 Deliberative Process (DP) / Attorney Client (AC) / Attorney Work Product (AWP)**

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

**From:** Michaels, Lauren <Michaels.Lauren@epa.gov>

**Sent:** Monday, January 4, 2021 11:08 AM

**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Miller, Meredith <Miller.Meredith@epa.gov>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Li, Ryland (Shengzhi) <Li.Ryland@epa.gov>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP) / Attorney Client (AC) / Attorney Work Product (AWP)**

**From:** Burkholder, Dallas <burkholder.dallas@epa.gov>

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**To:** Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin

<Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

Dallas

**From:** Machiele, Paul <machiele.paul@epa.gov>

**Sent:** Monday, January 04, 2021 9:52 AM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

Byron,

# Ex. 5 Deliberative Process (DP)

Paul

---

**From:** Bunker, Byron <bunker.byron@epa.gov>

**Sent:** Monday, January 04, 2021 8:36 AM

**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)> Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

**Importance:** High

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency



2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Bunker, Byron  
**Sent:** Monday, December 21, 2020 10:22 AM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>  
**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>  
**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

## Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)> Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

I want to share some follow-up direction we received from David Fotouhi at our 2:00 pm meeting.

**Ex. 5 Deliberative Process (DP) / Attorney Client (AC) / Attorney Work Product (AWP)**

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <Miller.Meredith@epa.gov>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

**Ex. 5 Deliberative Process (DP) / Attorney Client (AC) / Attorney Work Product (AWP)**

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

---

## Microsoft Teams meeting

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**Ex. 6 Personal Privacy (PP)**

United States, Washington DC

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---

## Message

**From:** Dubey, Susmita [dubey.susmita@epa.gov]  
**Sent:** 1/4/2021 4:40:52 PM  
**To:** Orlin, David [Orlin.David@epa.gov]; Stahle, Susan [Stahle.Susan@epa.gov]  
**CC:** Meredith Miller; Ex. 6 Personal Privacy (PP)  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

That works for me. I agree earlier discussion would be better if possible. Thanks.

Susmita Dubey  
 Office of General Counsel  
 (202) 564-5577

**From:** Orlin, David <Orlin.David@epa.gov>  
**Sent:** Monday, January 4, 2021 11:40 AM  
**To:** Dubey, Susmita <dubey.susmita@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Meredith Miller <Ex. 6 Personal Privacy (PP)>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP) / Attorney Client / Attorney Work Product

I will ask Sam to see if that's possible, unless someone has an objection?

David Orlin  
 U.S. EPA, Office of General Counsel  
 (202) 564-1222

**From:** Dubey, Susmita <dubey.susmita@epa.gov>  
**Sent:** Monday, January 04, 2021 10:49 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Orlin, David <Orlin.David@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

Thanks, Sue. Should we discuss at the Wednesday weekly with Gautam? I can forward you and Meredith the invite (1 pm). Ex. 5 Deliberative Process (DP) / Attorney Client / Attorney Work Product

## Ex. 5 Deliberative Process (DP) / Attorney Client / Attorney Work Product

Susmita Dubey  
 Office of General Counsel  
 (202) 564-5577

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Monday, January 4, 2021 10:25 AM  
**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark

<spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>;  
 Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin  
 <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

Looping in David Orlin on this email chain.

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

**From:** Burkholder, Dallas <burkholder.dallas@epa.gov>  
**Sent:** Monday, January 4, 2021 10:24 AM  
**To:** Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan  
 <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>;  
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 Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin  
 <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Dallas

**From:** Machiele, Paul <machiele.paul@epa.gov>  
**Sent:** Monday, January 04, 2021 9:52 AM  
**To:** Bunker, Byron <bunker.byron@epa.gov>; Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen  
 <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>;  
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 Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

Byron,

## Ex. 5 Deliberative Process (DP)

Paul

---

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**Sent:** Monday, January 04, 2021 8:36 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>  
**Subject:** Ex. 5 Deliberative Process (DP)  
**Importance:** High

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

---

**From:** Bunker, Byron

**Sent:** Monday, December 21, 2020 10:22 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller { **Ex. 6 Personal Privacy (PP)** }; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

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Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

**Ex. 6 Personal Privacy (PP)**

\*\*\*\*\*

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**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

**Cc:** Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>; Meredith Miller <**Ex. 6 Personal Privacy (PP)**>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

I want to share some follow-up direction we received from David Fotouhi at our 2:00 pm meeting.

**Ex. 5 Deliberative Process (DP) / Attorney Client / Attorney Work Product**

Let us know if you have any questions.



Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <Miller.Meredith@epa.gov>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

## Ex. 5 Deliberative Process (DP) / Attorney Client / Attorney Work Product

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

## Microsoft Teams meeting

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**Ex. 6 Personal Privacy (PP)** United States, Washington DC

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## Message

**From:** Cohen, Janet [cohen.janet@epa.gov]  
**Sent:** 1/4/2021 3:29:59 PM  
**To:** Orlin, David [Orlin.David@epa.gov]; Charmley, William [charmley.william@epa.gov]  
**CC:** Stahle, Susan [Stahle.Susan@epa.gov]; Machiele, Paul [machiele.paul@epa.gov]  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

David and Bill, if you are interested of course you are welcome to join our regular Tuesday small refinery exemptions club meeting tomorrow at 10. Let me know, I'll get you added to the invite. – j. -

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Monday, January 4, 2021 10:25 AM  
**To:** Burkholder, Dallas <burkholder.dallas@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; McKenna, Chris <McKenna.Chris@epa.gov>; Spencer, Mark <spencer.mark@epa.gov>; Gustafson, Kurt <Gustafson.Kurt@epa.gov>; Weihrauch, John <Weihrauch.John@epa.gov>; Manners, Mary <manners.mary@epa.gov>; Parsons, Nick <Parsons.Nick@epa.gov>  
**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>; Charmley, William <charmley.william@epa.gov>; Orlin, David <Orlin.David@epa.gov>  
**Subject:** RE: Ex. 5 Deliberative Process (DP)

Looping in David Orlin on this email chain.

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
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# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

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**Subject:** RE: Ex. 5 Deliberative Process (DP)

Byron,

# Ex. 5 Deliberative Process (DP)

Paul

**From:** Bunker, Byron <bunker.byron@epa.gov>

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**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** Ex. 5 Deliberative Process (DP)

**Importance:** High

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

Ex. 6 Personal Privacy (PP)

\*\*\*\*\*

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<Hengst.Benjamin@epa.gov>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hi Sue,

## Ex. 5 Deliberative Process (DP)

Thanks,

Byron

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Byron Bunker  
Director Compliance Division  
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2000 Traverwood Drive  
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**Ex. 6 Personal Privacy (PP)**

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**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <[bunker.byron@epa.gov](mailto:bunker.byron@epa.gov)>; Nelson, Karen <[nelson.karen@epa.gov](mailto:nelson.karen@epa.gov)>; Michaels, Lauren <[Michaels.Lauren@epa.gov](mailto:Michaels.Lauren@epa.gov)>; Machiele, Paul <[machiele.paul@epa.gov](mailto:machiele.paul@epa.gov)>; Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Burkholder, Dallas <[burkholder.dallas@epa.gov](mailto:burkholder.dallas@epa.gov)>

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**Ex. 5 Deliberative Process (DP) / Attorney Client / Attorney Work Product**

## Ex. 5 Deliberative Process (DP) / Attorney Client / Attorney Work Product

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

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Microsoft Teams meeting

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---



## Message

**From:** Stahle, Susan [Stahle.Susan@epa.gov]  
**Sent:** 1/4/2021 3:01:48 PM  
**To:** Orlin, David [Orlin.David@epa.gov]  
**Subject:** FW: Draft basis for finding disproportionate economic hardship (DEH) due to RFS  
**Attachments:** Disproportionate Economic Hardship v2 pm.docx

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

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Byron,

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Paul

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Subject: [Ex. 5 Deliberative Process \(DP\)](#)

Importance: High

# Ex. 5 Deliberative Process (DP)

Thanks,

Byron

\*\*\*\*\*

Byron Bunker  
Director Compliance Division  
Office of Transportation and Air Quality  
Environmental Protection Agency  
2000 Traverwood Drive  
Ann Arbor, MI 48105  
[Bunker.Byron@epa.gov](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155

[Ex. 6 Personal Privacy \(PP\)](#)

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**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin <Hengst.Benjamin@epa.gov>

**Subject:** RE: Sinclair Talking Points Wrangling - follow-up from our discussion with David F

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Byron

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**From:** Stahle, Susan <Stahle.Susan@epa.gov>

**Sent:** Thursday, December 17, 2020 3:43 PM

**To:** Bunker, Byron <bunker.byron@epa.gov>; Nelson, Karen <nelson.karen@epa.gov>; Michaels, Lauren <Michaels.Lauren@epa.gov>; Machiele, Paul <machiele.paul@epa.gov>; Cohen, Janet <cohen.janet@epa.gov>; Burkholder, Dallas <burkholder.dallas@epa.gov>

**Cc:** Dubey, Susmita <dubey.susmita@epa.gov>; Meredith Miller <Ex. 6 Personal Privacy (PP)>; Hengst, Benjamin

<Hengst.Benjamin@epa.gov>

**Subject:** Sinclair Talking Points Wrangling - follow-up from our discussion with David F

Hello –

I want to share some follow-up direction we received from David Fotouhi at our 2:00 pm meeting.

**Ex. 5 Deliberative Process (DP) / Attorney-Client / Attorney Work Product**

Let us know if you have any questions.

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

-----Original Appointment-----

**From:** Miller, Meredith <Miller.Meredith@epa.gov>

**Sent:** Wednesday, December 16, 2020 10:47 AM

**To:** Miller, Meredith; Bunker, Byron; Nelson, Karen; Stahle, Susan; Michaels, Lauren; Machiele, Paul; Burkholder, Dallas

**Cc:** Dubey, Susmita; Cohen, Janet

**Subject:** HOLD for Sinclair Talking Points Wrangling

**When:** Thursday, December 17, 2020 8:00 AM-9:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

**Importance:** High

Hi all, this is the only time I can find within the next 24 hours that it appears we're all available to talk about this effort, so let's block it off for now? We have our weekly meeting with David F. at 2p Thursday afternoon, so if we can coordinate tomorrow morning, we'll have a status update to provide him.

**Ex. 5 Deliberative Process (DP) / Attorney-Client / Attorney Work Product**

Then, we can talk tomorrow morning if it would be helpful.

Thanks!

---

## Microsoft Teams meeting

### Join on your computer or mobile app

[Click here to join the meeting](#)

### Or call in (audio only)

**Ex. 6 Personal Privacy (PP)** United States, Washington DC

Phone Conference ID **Ex. 6 Personal Privacy (PP)**

[Find a local number](#) | [Reset PIN](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

[Learn More](#) | [Meeting options](#)

---

## Message

**From:** Bhat, Simi (ENRD) [Simi.Bhat@usdoj.gov]  
**Sent:** 2/23/2021 6:07:08 PM  
**To:** Stahle, Susan [Stahle.Susan@epa.gov]  
**CC:** Miller, Meredith [Miller.Meredith@epa.gov]; Dubey, Susmita [dubey.susmita@epa.gov]  
**Subject:** RE: SRE 2018 litigation - follow up and next steps  
**Attachments:** Ex. 4 CBI

Sue,

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,  
 Simi

---

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Friday, February 19, 2021 10:25 AM  
**To:** Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

That is great news! Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

---

**From:** Bhat, Simi (ENRD) <Simi.Bhat@usdoj.gov>  
**Sent:** Friday, February 19, 2021 12:32 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

---

**From:** Bhat, Simi (ENRD)  
**Sent:** Friday, February 19, 2021 9:24 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

**From:** Bhat, Simi (ENRD)  
**Sent:** Thursday, February 18, 2021 11:20 AM  
**To:** 'Stahle, Susan' <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

Here is a draft status report for the **Ex. 4 CBI** SRE case, due Monday.

Thanks,  
 Simi

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Wednesday, February 17, 2021 11:54 AM  
**To:** Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Wahoo! Great news indeed! Thank you. It's a nice respite for the time being.

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

**From:** Bhat, Simi (ENRD) <Simi.Bhat@usdoj.gov>  
**Sent:** Wednesday, February 17, 2021 2:39 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue, great news! The DC Circuit granted abeyance in the 2018 SRE cases.

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Wednesday, February 10, 2021 2:42 PM  
**To:** Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Hi Simi –

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Bhat, Simi (ENRD) <[Simi.Bhat@usdoj.gov](mailto:Simi.Bhat@usdoj.gov)>  
**Sent:** Wednesday, February 10, 2021 5:26 PM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Hi all,

We're still waiting on the DC Circuit to rule on our abeyance motion. Meanwhile, our status report is due in the Ex. 4 CBI

Ex. 4 CBI

case on Monday, February 22.

Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

**Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

Thanks,  
Simi

---

**From:** Bhat, Simi (ENRD)  
**Sent:** Tuesday, February 2, 2021 11:57 AM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Here is the as-filed version.

---

**From:** Bhat, Simi (ENRD)  
**Sent:** Tuesday, February 2, 2021 11:33 AM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

That's fine, I will use the recently language.

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Sent:** Tuesday, February 2, 2021 11:23 AM  
**To:** Bhat, Simi (ENRD) <[SBhat@ENRD.USDOJ.GOV](mailto:SBhat@ENRD.USDOJ.GOV)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

**Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**



## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Bhat, Simi (ENRD) <[Simi.Bhat@usdoj.gov](mailto:Simi.Bhat@usdoj.gov)>  
**Sent:** Tuesday, February 2, 2021 2:14 PM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,  
Simi

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Sent:** Monday, February 1, 2021 3:51 PM  
**To:** Bhat, Simi (ENRD) <[SBhat@ENRD.USDOJ.GOV](mailto:SBhat@ENRD.USDOJ.GOV)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Thanks Simi. Attached are our minor edits on the motion. Feel free to file anytime. Thanks!

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Bhat, Simi (ENRD) <[Simi.Bhat@usdoj.gov](mailto:Simi.Bhat@usdoj.gov)>  
**Sent:** Friday, January 29, 2021 3:56 PM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,

Simi

---

**From:** Bhat, Simi (ENRD)

**Sent:** Wednesday, January 27, 2021 10:44 AM

**To:** 'Stahle, Susan' <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

Thanks for the quick response!

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Wednesday, January 27, 2021 10:34 AM

**To:** Bhat, Simi (ENRD) <[SBhat@ENRD.USDOJ.GOV](mailto:SBhat@ENRD.USDOJ.GOV)>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

Hi Simi –

Thanks for the information.

**Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,

Susan Stahle

Air and Radiation Law Office

Office of General Counsel

U.S. Environmental Protection Agency

WJCN-7502B

202-564-1272

---

**From:** Bhat, Simi (ENRD) <[Simi.Bhat@usdoj.gov](mailto:Simi.Bhat@usdoj.gov)>

**Sent:** Wednesday, January 27, 2021 12:56 PM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,  
Simi

---

**From:** Bhat, Simi (ENRD)  
**Sent:** Monday, January 25, 2021 9:12 AM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Spence, Samara (ENRD) <[SSpence@ENRD.USDOJ.GOV](mailto:SSpence@ENRD.USDOJ.GOV)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Hi Sue,

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

I will ask for counsel to respond about abeyance by Wednesday, and I will let you know what I hear.

Thanks,  
Simi

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Sent:** Monday, January 25, 2021 7:02 AM  
**To:** Bhat, Simi (ENRD) <[SBhat@ENRD.USDOJ.GOV](mailto:SBhat@ENRD.USDOJ.GOV)>  
**Cc:** Spence, Samara (ENRD) <[SSpence@ENRD.USDOJ.GOV](mailto:SSpence@ENRD.USDOJ.GOV)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** SRE 2018 litigation - follow up and next steps

Hi Simi –

We wanted to circle back with you to follow up on a few loose ends regarding the 2018 litigation and see what you need from us.

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

## **Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

Regarding the Sinclair action taken last Tuesday (1/19) – **Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

## **Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

You are also likely aware that RFA filed a challenge of that Sinclair action and a motion for an emergency stay of the action. The court granted an administrative stay pending its review and decision on the motion for a stay. Dan Dertke is handling that case. **Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

## **Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

I think that is it from here. Anything else you were waiting on from us?

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

## Message

**From:** Bhat, Simi (ENRD) [Simi.Bhat@usdoj.gov]  
**Sent:** 2/23/2021 10:10:27 PM  
**To:** Stahle, Susan [Stahle.Susan@epa.gov]  
**CC:** Miller, Meredith [Miller.Meredith@epa.gov]; Dubey, Susmita [dubey.susmita@epa.gov]  
**Subject:** RE: SRE 2018 litigation - follow up and next steps  
**Attachments:** Ex. 4 CBI stipulation dismiss as filed.pdf

Thanks! Here is the as filed stipulation.

---

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Tuesday, February 23, 2021 12:53 PM  
**To:** Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Yes, thanks, Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

---

**From:** Bhat, Simi (ENRD) <Simi.Bhat@usdoj.gov>  
**Sent:** Tuesday, February 23, 2021 1:07 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,  
 Simi

---

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Friday, February 19, 2021 10:25 AM  
**To:** Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

That is great news! Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

---

**From:** Bhat, Simi (ENRD) <Simi.Bhat@usdoj.gov>  
**Sent:** Friday, February 19, 2021 12:32 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

---

**From:** Bhat, Simi (ENRD)  
**Sent:** Friday, February 19, 2021 9:24 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

And more good news— Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)  
Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

---

**From:** Bhat, Simi (ENRD)  
**Sent:** Thursday, February 18, 2021 11:20 AM  
**To:** 'Stahle, Susan' <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

Here is a draft status report for the Ex. 4 CBI SRE case, due Monday.

Thanks,  
 Simi

---

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**Sent:** Wednesday, February 17, 2021 11:54 AM  
**To:** Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Wahoo! Great news indeed! Thank you. It's a nice respite for the time being.

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B

202-564-1272

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**Sent:** Wednesday, February 17, 2021 2:39 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue, great news! The DC Circuit granted abeyance in the 2018 SRE cases.

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Wednesday, February 10, 2021 2:42 PM  
**To:** Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Hi Simi –

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,

Susan Stahle  
 Air and Radiation Law Office  
 Office of General Counsel  
 U.S. Environmental Protection Agency  
 WJCN-7502B  
 202-564-1272

**From:** Bhat, Simi (ENRD) <Simi.Bhat@usdoj.gov>  
**Sent:** Wednesday, February 10, 2021 5:26 PM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Cc:** Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Hi all,

We're still waiting on the DC Circuit to rule on our abeyance motion. Meanwhile, our status report is due in the Ex. 4 CBI

**Ex. 4 CBI**

case on Monday, February 22.

**Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,  
 Simi

**From:** Bhat, Simi (ENRD)  
**Sent:** Tuesday, February 2, 2021 11:57 AM  
**To:** Stahle, Susan <Stahle.Susan@epa.gov>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

Here is the as-filed version.

---

**From:** Bhat, Simi (ENRD)

**Sent:** Tuesday, February 2, 2021 11:33 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

That's fine, I will use the recently language.

---

**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Sent:** Tuesday, February 2, 2021 11:23 AM

**To:** Bhat, Simi (ENRD) <[SBhat@ENRD.USDOJ.GOV](mailto:SBhat@ENRD.USDOJ.GOV)>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

---

**From:** Bhat, Simi (ENRD) <[Simi.Bhat@usdoj.gov](mailto:Simi.Bhat@usdoj.gov)>

**Sent:** Tuesday, February 2, 2021 2:14 PM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)



Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,  
Simi

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**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Sent:** Monday, February 1, 2021 3:51 PM  
**To:** Bhat, Simi (ENRD) <[SBhat@ENRD.USDOJ.GOV](mailto:SBhat@ENRD.USDOJ.GOV)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Thanks Simi. Attached are our minor edits on the motion. Feel free to file anytime. Thanks!

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

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**From:** Bhat, Simi (ENRD) <[Simi.Bhat@usdoj.gov](mailto:Simi.Bhat@usdoj.gov)>  
**Sent:** Friday, January 29, 2021 3:56 PM  
**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Thanks,  
Simi

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**From:** Bhat, Simi (ENRD)  
**Sent:** Wednesday, January 27, 2021 10:44 AM  
**To:** 'Stahle, Susan' <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Thanks for the quick response!

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**From:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>  
**Sent:** Wednesday, January 27, 2021 10:34 AM  
**To:** Bhat, Simi (ENRD) <[SBhat@ENRD.USDOJ.GOV](mailto:SBhat@ENRD.USDOJ.GOV)>  
**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>  
**Subject:** RE: SRE 2018 litigation - follow up and next steps

Hi Simi –

Thanks for the information.

**Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

**Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272

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**From:** Bhat, Simi (ENRD) <[Simi.Bhat@usdoj.gov](mailto:Simi.Bhat@usdoj.gov)>

**Sent:** Wednesday, January 27, 2021 12:56 PM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Cc:** Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

Sue,

**Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

Thanks,

Simi

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**From:** Bhat, Simi (ENRD)

**Sent:** Monday, January 25, 2021 9:12 AM

**To:** Stahle, Susan <[Stahle.Susan@epa.gov](mailto:Stahle.Susan@epa.gov)>

**Cc:** Spence, Samara (ENRD) <[SSpence@ENRD.USDOJ.GOV](mailto:SSpence@ENRD.USDOJ.GOV)>; Miller, Meredith <[Miller.Meredith@epa.gov](mailto:Miller.Meredith@epa.gov)>; Dubey, Susmita <[dubey.susmita@epa.gov](mailto:dubey.susmita@epa.gov)>

**Subject:** RE: SRE 2018 litigation - follow up and next steps

Hi Sue,

**Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)**

I will ask for counsel to respond about abeyance by Wednesday, and I will let you know what I hear.

Thanks,  
Simi

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**From:** Stahle, Susan <Stahle.Susan@epa.gov>  
**Sent:** Monday, January 25, 2021 7:02 AM  
**To:** Bhat, Simi (ENRD) <SBhat@ENRD.USDOJ.GOV>  
**Cc:** Spence, Samara (ENRD) <SSpence@ENRD.USDOJ.GOV>; Miller, Meredith <Miller.Meredith@epa.gov>; Dubey, Susmita <dubey.susmita@epa.gov>  
**Subject:** SRE 2018 litigation - follow up and next steps

Hi Simi –

We wanted to circle back with you to follow up on a few loose ends regarding the 2018 litigation and see what you need from us.

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

Regarding the Sinclair action taken last Tuesday (1/19) – Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

You are also likely aware that RFA filed a challenge of that Sinclair action and a motion for an emergency stay of the action. The court granted an administrative stay pending its review and decision on the motion for a stay. Dan Dertke is handling that case. Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

## Ex. 5 Attorney Client (AC) / Attorney Work Product (AWP)

I think that is it from here. Anything else you were waiting on from us?

Thanks,

Susan Stahle  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
WJCN-7502B  
202-564-1272